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The Solicitors' Journal

VOL. LXXVIII. **Saturday, December 22, 1934.** No. 51

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Current Topics.

Judicial Precedence in Scotland.

In his speech in the House of Lords last week on the thorny subject of the Judicature Bill, with its proposal for the projected creation of a Vice-President of the Court of Appeal, Lord Wright said that the measure merely followed the precedent set in the Court of Session in Scotland. The analogy, however, is not quite complete. It is true that in Scotland each Division of the Inner House, that is, the two appellate tribunals, has a president whose position is not governed by seniority. In the First Division, the head of the Scottish judiciary, the Lord President, presides, while in the Second Division the Lord Justice-Clerk occupies the corresponding position. These offices, to which are attached higher salaries than to those of the Lords Ordinary—the latter correspond to our puisnes—are filled by those who have usually been the law officers of the Crown at the time when vacancies in the higher judicial posts have occurred. The other judges in each of the two appellate divisions are recruited from the ranks of the Lords Ordinary in the order of seniority, that is, when one of the ordinary judges in either of the Divisions dies or retires the senior Lord Ordinary is promoted to fill the vacancy, but just as is the case with us when a puisne is called up to the Court of Appeal and made a Lord Justice, there are, in A. L. Smith's famous phrase, "no more wages, you know." The practice, which has become inveterate, of promoting the Lords Ordinary in strict order of seniority, has sometimes been criticised, but on the whole it has worked well, and it certainly has the great merit of obviating any feeling of jealousy, if such a feeling can ever be harboured in the breast of a judicial personage.

The Lord Chancellor's Patronage.

Recent happenings have made it clear that in the exercise of his patronage the Lord Chancellor of the day does not rest on a bed of roses. If he gives satisfaction to one he is sure to antagonise a great number. This appears to have been so in the past, even in what might be thought the placid sphere of church appointments. As is known, the Lord Chancellor is the patron of all Crown livings in England which are rated at below £20 per annum in the "King's Books," a survey made in the reign of Henry VIII; further, the Lord Chancellor has to present to all vacant livings in the gift of lunatics and to all livings which lapse to the Crown from not having been filled up. A former ecclesiastical secretary to the Lord Chancellor stated that the average vacancies from the various classes amounted to about one a week, and that the letters received from applicants for these vacancies were not always marked by a sense of propriety such as would be expected. Thus, one applicant informed the Lord Chancellor that his "strenuous efforts in his Master's service did not prevent an unobtrusive devotion to the Conservative Club twice a week in the evenings." Numerous instances were also found where, on a change of Government, a letter claiming reward for political services was found to be almost identical in terms with a former letter from the same man addressed to the party which had left office. It was occasionally found that the round man was placed in the square hole, or *vice versa*, and that consequent dissatisfaction ruled in the parish thus equipped, this being not infrequently expressed in communications more abusive than persuasive. There was, however, one exception during the secretary's tenure of office; this was a letter from an Evangelical old lady who wrote plaintively, "We looked for a Cedar of Lebanon and you have sent us a cabbage"! Such are the rewards that come to a Lord Chancellor in the endeavour to carry out his various duties.

Supreme Court of Judicature (Amendment) Bill, 1934.

The Supreme Court of Judicature (Amendment) Bill duly passed through the second reading stage in the House of Lords on Friday, 14th December. The severe criticism to which it had been subjected on the previous Tuesday by the Lord Chief Justice has happily indicated that any proposal to set up a Ministry of Justice or its equivalent is, to say the least, not likely to be tolerated for some time to come. Clause 2, relating to the appointment of one of the Lord Justices of Appeal to be Vice-President of any division of the Court of Appeal if no *ex-officio* judge of that Court is sitting in that division, has very properly been restricted in its operation to those who may subsequently be raised to that dignity. With regard to Clause 1, we are of opinion that the filling of the last two vacancies in the King's Bench Division might well have been left to the discretion of the Lord Chancellor, instead of being made dependent upon a presentation to the Crown of an address from both Houses of Parliament. But the Bill secures the object desired by the profession in the interest of litigants—the creation of two more King's Bench judges—and we may well leave it at that.

Ribbon Development: Prospect of Legislation.

The urgency of the matter must be our excuse, if excuse be needed, for returning once again to this subject. A short while ago in answer to a question in the House of Commons asking if, pending the introduction of a Bill dealing with building by ribbon development, the Minister of Transport would take some action to prevent the spread of the evil, in view of the fact that, as legislation was foreshadowed in the Government programme, there was likely to be an immediate and rapid extension of building until such time as the Bill was introduced, it was intimated that, while the erection of buildings along the existing roads of the country was not a matter coming within the Minister's control, in approving schemes he would do his best to discourage the unsuitable use of road frontages. Moreover, Mr. Hore-Belisha said that he was in close touch with the Ministry of Health, this being in response to a question asking if he would make arrangements with that Ministry for a joint committee so

that the Ministry of Health could co-operate with him by the use of town-planning powers, to prevent urban development when new roads were constructed.

A Deputation.

THERE appears to be a reasonable prospect that matters will shortly be carried a stage further. On Monday night the Prime Minister, accompanied by the Lord President of the Council, the Ministers of Health and Transport and the Parliamentary Secretary to the Ministry of Health, received a deputation from the Amenities Group in the House of Commons, with whom for the purpose of the deputation the Amenities Group in the House of Lords were associated. The deputation presented a resolution asking that the Government Bill on this subject should be brought at once into the House of Lords and that some means should be sought to stop any progress of the evil in the interval. According to an official statement issued at the close of the proceedings, the matter and the difficulties involved were discussed at some length, and the Prime Minister said that the Government were giving active and sympathetic consideration to the whole subject with a view to the early introduction of legislation. *The Times* indicates that there was, the same evening, a general hope—in view of the Prime Minister's sympathetic reply—that a Bill would be presented in the House of Lords early in the New Year in order that the whole situation might be thoroughly explored at a time when the House of Commons would be busily occupied with other matters. "It is recognised," the same paragraph continues, "that there are many difficulties to be surmounted, but at the same time it is felt that the evil will grow worse and worse with every week that passes. It is hoped that whatever action the Government may take will be retrospective, in order that any attempts at ribbon development pending the presentation of the Government's Bill may be effectively discouraged."

Shops Act, 1934.

PRACTITIONERS may be reminded that the Shops Act, 1934, comes into operation on 30th December (see s. 18, sub-s. (4)). It would be out of place, and indeed impossible, to deal with the provisions of the Act in any detail here, but it may be noted that in general its purpose is to restrict the hours of employment in shops of persons under eighteen years of age to a normal maximum of forty-eight hours a week, while until 27th December, 1936, the permitted maximum is fifty-two. The latter provision is derived from s. 16, which refers to the Schedule containing a number of figures to be substituted temporarily for those appearing in the Act itself. There are various amendments to and amplifications of the Shops Act, 1912. The Act of 1934 applies to Scotland, subject to the modifications contained in s. 17, but not to Northern Ireland.

New Rules, 1935.

AMONG the Rules coming into force on 1st January, 1935, are the County Court (No. 2) Rules of the 1st December, 1934. (S.R. & O. 1934, No. 1319/L.30.) These rules are set out on p. 916 of the present issue. It may be remembered that the County Court (No. 1) Rules, dated 11th July last, came into force on the 3rd September. The Workmen's Compensation Rules (No. 1), 1934 (S.R. & O. 1934, No. 707L/16), which provide that a new form for Form No. 38 in the Appendix to the Workmen's Compensation Rules, 1926 (S.R. & O. 1926 (No. 448), p. 829), also come into force on 1st January, 1935. The Rules of 1926 have previously been amended by S.R. & O. 1927 (Nos. 392, 393); 1929 (Nos. 9, 267); 1930 (Nos. 385, 1002); 1931 (Nos. 411, 1053); 1932 (No. 910); 1933 (No. 75) and 1934 (No. 708), the last of which came into force on 1st August of the present year. Mention has been made in this column from time to time of new motor law contained in the various parts of the Road Traffic Act, 1934, which will come into operation on the 1st January, 1935. This comprises s. 1, sub-ss. (3) to (10), and ss. 10 to 17, s. 32, sub-s. (2), and ss. 39 and 40, the last for the purpose of amending s. 80, sub-s. (1), of the Road Traffic Act, 1930, dealing with licences relating to public service vehicles. All the foregoing are brought into operation by S.R. & O. 1934, No. 1200, p. 516. The contents of these parts of the Act are briefly as follows: Section 1 provides the requisite machinery for putting into force the speed limit of 30 miles an hour in built-up areas, the Minister of Transport being empowered by order, subject to resolutions passed by both Houses of Parliament, to increase or reduce the maximum permissible speed. The section will continue in force until 31st December, 1939, and no longer, unless Parliament otherwise determines. Part II of the Act, which contains ss. 10 to 17, relates to the duty of insurers to satisfy judgments against persons insured in respect of third-party risks and to the payments in respect of emergency treatment of injuries sustained as a result of motor accidents. Section 32 contains provisions relating to licences to drive heavy goods vehicles and to drive, or act as conductor of, a public service vehicle, while s. 39 effects certain amendments of the law regarding licences of drivers and conductors "of hackney carriages, and of certain stage carriages," in the Metropolis. Draft regulations to come into force on the 1st January, 1935, have also been issued replacing the Public Service Vehicles (Drivers' and Conductors' Licences) (No. 2) Provisional Regulations, 1931, as amended by the Provisional Regulations of 27th June, 1933. Amendments to the Supreme Court Procedure Rules and Matrimonial Causes Rules will be mentioned and the rules published in next week's issue.

Recent Decisions.

AMONG recent cases may be mentioned that of *R.* v. *Graham-Campbell and others; ex parte Herbert* (*The Times*, 15th December), where the court, consisting of the Lord Chief Justice and AVORY and SWIFT, JJ., discharged the rule *nisi* calling on the Chief Metropolitan Magistrate (Sir ROLLO GRAHAM-CAMPBELL), the members of the Kitchen Committee of the House of Commons and the manager of the refreshment department, to show cause why Sir ROLLO GRAHAM-CAMPBELL should not hear and determine an application for a summons against the other defendants for having, on a stated occasion, at a refreshment room at the House of Commons unlawfully sold intoxicating liquor in contravention of s. 65, sub-s. (1) of the Licensing (Consolidation) Act, 1910. The Lord Chief Justice intimated that Sir ROLLO GRAHAM-CAMPBELL—who had held that his jurisdiction was excluded by the privilege of Parliament—had come to a correct conclusion on the quite sufficient material which had been before him.

In *Trinder* v. *Trinder* (reported at p. 914 of this issue), the Court of Appeal dismissed an appeal from an order of the President of the Probate, Divorce and Admiralty Division of the High Court directing that a petition by a husband for dissolution of his marriage on the ground of the wife's alleged adultery should be heard by a judge alone. At two previous hearings of the petition the special juries disagreed and were discharged. The Court of Appeal held that the President had jurisdiction to order trial by judge alone (*Rugg-Gunn* v. *Rugg-Gunn* [1931] P. 147), and that under the Matrimonial Causes Rules, 1924, it was open to the President to make an order that the further trial of the petitioner should be so heard (*ibid.* r. 30 (*a*)). Damages were not claimed, so that the provision that trial should be by common jury did not apply.

A useful rule is deducible from the decision in *Gerber* v. *Pines* (*The Times*, 19th December, 1934), where it was held that the breaking of a needle in the course of a hypodermic injection did not constitute negligence, the cause being an involuntary muscular spasm on the part of the patient, but that the doctor was negligent in not informing on the day of the accident the patient or her husband of the presence of the broken portion in her body. Damages of five guineas were awarded under that head, but without costs, the plaintiff having failed on the greater part of the case.

The Unemployment Act, 1934.

Some of the important alterations in the law regarding unemployment insurance now being in force and to some extent already tried, and others no less important becoming effective next year, it may be of interest to consider what the principal changes are.

The age of entry into insurance has been changed from sixteen to the school-leaving age, which at present is fourteen. This does not mean that benefit is payable from the age of fourteen. As from that age there will be paid in respect of such an entrant contributions of 2d. a week by the employee, 2d. a week by the employer and 2d. a week by the State until the employee is sixteen. The payment of benefit will not commence until the age of sixteen is attained, but the employee will not have to wait (as before) for thirty weeks after reaching that age to be entitled to benefit whilst unemployed. After the 3rd day of September, 1935, contributions will be credited to persons who have been receiving whole-time education after attaining the school-leaving age. As will be seen, dependants' benefit will (subject to some qualifications which will be noticed) now be payable in respect of children who have reached fourteen until they attain sixteen. Formerly, no dependants' benefit could be claimed in respect of a child over fourteen years of age. Thus, whilst contributions, as before mentioned, are payable in respect of a child between the ages of fourteen and sixteen, no benefit is payable directly to such child, but dependants' benefit may be claimed for him or her.

The rates of benefit have been restored to those which obtained before the reduction effected by the National Economy Act, 1931.

The present weekly rates are as follows :—

16-17 years of age	6s.	for males and	5s.	0s.	for females.
17-18 ,, ,,	9s.	,,	7s.	6d.	,,
18-21 ,, ,,	14s.	,,	10s.	9d.	,,

21 and upwards (or 18 and upwards if in receipt of dependants' benefit) 17s. for males and 15s. for females.

The weekly benefit payable in respect of an adult dependant is increased from 8s. to 9s. The benefit for a dependant child has not been changed and is still 2s., although it is anticipated that the rate will shortly be raised to 3s. by order issued under the Act.

The benefit is payable for 156 days in any benefit year which commences when an insured contributor has fulfilled the first statutory condition, that is, has paid thirty contributions in the past two years. There are provisions, the effect of which is that the 156 days may be increased by allowing the insured contributor additional days' benefit at the rate of three days for every five contributions paid in respect of the previous five years, less one day for every five days in respect of which benefit has been paid to him during that time. For this purpose every two contributions paid in respect of an insured contributor under the age of eighteen is to be counted as one contribution.

When a contributor has received in any benefit year 156 days' benefit and such additional days as he may be entitled to, he must, before he re-qualifies for benefit, have paid ten weeks' contributions since the Sunday before the last day of the benefit year in respect of which he received benefit. If a contributor has run out of benefit in any benefit year and does not re-qualify, as before mentioned, he is treated as a new entrant. It is also provided that, if a contributor who has become entitled to 156 days' benefit in a benefit year has neglected to take the whole of those days' benefit with intent to avoid having to re-qualify, he shall be deemed to have received benefit in respect of those days.

There are some changes in connection with dependants' benefit, the most important of which is that regarding claims in respect of dependants who are between the ages of fourteen and sixteen. Hitherto no claim could be made for any dependant over fourteen years of age unless such dependant was receiving full-time instruction in a day school, or would have been receiving such instruction but for some infirmity. Now, as has been noticed, contributions will be payable in respect of persons between those ages, but they will not themselves receive benefit. Benefit may, however, be claimed for them as dependants whilst they are unemployed and not under disqualification. Such persons may be disqualified for the same reasons and in the same manner as other insured contributors (for example, for voluntarily leaving employment without just cause, or for losing employment through misconduct), but they will not, of course, have to comply with the first statutory condition which requires the payment of thirty contributions during the two years preceding the claim.

Before the Act, dependants' benefit, being an increase in the benefit of a claimant, has been payable from the date when the claimant became entitled to benefit, no matter at what time the claim in respect of the dependant may have been made. Now dependants' benefit will only be payable from the time when application in the prescribed form is made therefor.

The Anomalies Regulations made under the Unemployment Insurance (No. 3) Act, 1931, continue in force subject to some minor amendments.

The method of determination of claims remains as before, but whilst an insurance officer had no power (except in trade dispute cases and then subject to an appeal to the Court of Referees) to disallow a claim, he may now disallow, except in certain cases The exceptions seem to reduce the power of the insurance officer to very small proportions. In every case of disallowance by an insurance officer there is an appeal to the Court of Referees.

The provisions regarding appeals from a Court of Referees to the Umpire continue unaltered, but it is enacted that when leave to appeal is required, such leave may be granted by the chairman only and not as heretofore, by the Court, and if not granted at the time of the hearing, may, on a proper application being made, be allowed by the chairman within the time prescribed by regulations, which has been fixed at twenty-one days.

Instruction and training courses for persons between the ages of fourteen and eighteen form a new departure. Every education authority is required to submit proposals for the provision of such courses, as may be necessary in their areas, for such persons who are capable of and available for work, but have no work or only part time or intermittent work. The proposals must be in accord with a scheme made by the Minister with the consent of the Treasury, after consultation with the Board of Education. The courses are for uninsured as well as for insured persons. There are provisions for enforcing attendance at the courses and the local education authorities are to assist the Minister in that respect. The Minister is empowered to appoint boards of assessors for the purpose of reporting to him as to the advisability of requiring persons to attend at an authorised course.

It is enacted that there shall be established a committee, called " The Unemployment Insurance Statutory Committee," to give advice and assistance to the Minister. This committee consists of a chairman and not less than four nor more than six other members, of whom at least one must be a woman. Of the members, other than the chairman, one is appointed, after consultation with organisations representative of employers, one after consultation with organisations representative of workers, and one after consultation with the Minister of Labour for Northern Ireland. Appointments may be made for five years or less.

The functions of the committee are to make an annual report to the Minister on the financial condition of the unemployment fund, and also to report at other times when they consider that the fund is, or is likely to be, insufficient to discharge its liabilities and to recommend such amendments as the committee consider are required to make the fund sufficient

for that purpose. The committee is also to consider and report upon the draft of any regulations which the Minister proposes to make. The duty is also imposed upon the committee to make such proposals as seem practicable for the insurance of persons engaged in agriculture (including horticulture and forestry), and to make recommendations with respect thereto.

Those are the main alterations contained in Part I of the Act.

Part II, containing provisions for the constitution of "the Unemployment Assistance Board" and local advisory committees, which will be responsible for relief formerly administered by the public assistance authorities, and to take over those insured persons entitled under the former Acts to transitional payment, must be left to be dealt with in another article. Regulations under that part of the Act recommended by the Unemployment Assistance Board and adopted by the Government were approved by the House of Commons this week.

The Governor of Northern Ireland.

"My Lord Chief Justice, my Lord Prime Minister, my Lords, Ladies and Gentlemen, I should like to avail myself of this opportunity to express my deep appreciation of the renewal of confidence which His Majesty the King has seen fit to place in me by graciously appointing me His Representative in Northern Ireland for a third term of office; an honour I cherish all the more highly on account of my Ulster birth and ancestry. I sincerely trust that this extended period will prove to be one of peace, happiness and prosperity to all." These words were spoken by the Duke of Abercorn at the end of the ceremony at the Royal Courts of Justice, Belfast, on the 14th December, when His Grace was sworn in as Governor for a further term of six years.

The ceremony took place in the handsome and spacious Nisi Prius Court, in the presence of the full bench of Judges, the Cabinet Ministers, Privy Councillors, Lieutenants of Counties and other dignitaries. Members of the Bar were present in wig and gown. The Duke's entry into the court was announced by the crier who called His Grace's name and titles. His Commission under the Royal Sign Manual was presented by the Clerk of the Privy Council to the Lord Chief Justice, who requested that it be handed to the Prime Minister. The Commission was read out by the Prime Minister, and the Lord Chief Justice then administered to the Duke the oath of allegiance and the official oath. The Duke, after having been sworn, made the short speech above quoted, and then withdrew to hold a council in the Judge's Assembly Room, where he read to the Members of the Cabinet His Majesty's Instructions.

The procedure differs somewhat from that which formerly obtained at Dublin when a newly appointed Lord Lieutenant entered into office. In that case there were two entries, an informal visit in order to take the oaths, and a formal entry in full official dignity. At the first visit, the custom was for the incoming Lord Lieutenant to appear at the Irish Privy Council with hat in hand, the assembled councillors being covered; as soon as they were acquainted with the terms of the King's Commission, the councillors removed their hats and the Viceroy donned his, and he then proceeded to take the oaths. The second visit was a State Entry into Dublin, the Lord Lieutenant riding on horseback in morning dress through the streets of the city to the Castle, with full military escort. No such old-world pomp is seen in Ireland, North or South, nowadays.

The legal pedigree of the office of Governor of Northern Ireland can be traced back—through the Government of Ireland Act of 1920, the Consequential Provisions Act of 1922, and the instruments constituting the office—to the office of Chief Governor of Ireland as existing in mediæval times. The Governorship, like the former Lord Lieutenancy, is concerned with the exercise of the executive powers of the Crown. But there are important distinctions to be made. In the first place, the powers of the Governor are, in general, limited to matters within the jurisdiction of the Parliament and Government of Northern Ireland, as distinguished from "reserved" or "excepted" matters. Secondly, the Governor appoints ministers of his own, whereas the Lord Lieutenant was a member of His Majesty's administration, with or without cabinet rank. Thirdly, and consequentially, the Lord Lieutenant came into and went out of office with the rest of the Ministry; the Governor holds office for a statutory term of six years, unaffected by changes in the United Kingdom Government. Thus, under the former régime, Lord Cadogan succeeded Lord Houghton as Lord Lieutenant of Ireland, and Lord Dudley was followed by the Earl of Aberdeen. Under the Northern Ireland constitution, the Duke of Abercorn remained in office (for his first term) from 1922 to 1928, during four United Kingdom ministries, and his second term was unaffected by similar changes. A fourth distinction may be made between the two offices, namely, that in certain aspects the Lord Lieutenant acted as a government department, but in Northern Ireland the Governor is above the departments, of which his ministers are the heads.

In the present constitution of Northern Ireland a representative of the Crown is essential. But during the time when the Act of Union was in force, some closer form of relationship between Ireland and the Monarch was occasionally suggested. Even at the time of the Union, the future cessation of the office was not regarded as impossible. In the year 1850, a Bill (introduced by Lord John Russell and Sir George Grey and read a second time in the House of Commons) proposed the abolition of the Irish Lord Lieutenancy and the appointment of an additional Secretary of State to be responsible for the direct Crown government. Suggestions for a Royal Residence in Ireland, or for the appointment of a member of the Royal Family as Viceroy, were often mooted in the last century. The Unionist proposals for the exclusion of Ulster from Home Rule contemplated the administration of the excluded area by a Secretary of State. But Ulster Unionism eventually agreed to "work the Act of 1920" which involved the continuance of the Lord Lieutenancy, and, after the establishment of the Irish Free State, the appointment of a separate Governor for Northern Ireland. The arrangement has worked well. The first holder of the office has earned for himself universal respect and affection, and the traditional attachment of the people to the Throne has in no way been diminished.

Company Law and Practice.

Meetings.

As I have recently devoted some space to questions relating to voting, it would seem not unreasonable that we might consider for awhile the gathering at which votes are given. In the first place, we may well note that every company must hold a general meeting once in every calendar year, and not more than fifteen months after the last one (Companies Act, 1929, s. 112). This gives rise to one curious little point: suppose a company is incorporated in, say, the month of November, has it got to hold a general meeting during its month of incorporation or the month after? The answer seems to be, yes, the company must hold a general meeting in the year of incorporation. So, presumably, must a company registered on the 20th December.

But where is the line to be drawn? Take the case of a company incorporated on the 28th December, which either adopts Table A, or has the usual form of article requiring seven days' notice, at the least, of general meetings. Such a company cannot possibly hold a general meeting in the calendar year of its incorporation, except with the consent

of all the members, which might well be unobtainable. Taking a strict view of the interpretation of the section, an omission of that kind is a breach of the provisions of the section, subjecting the company, and every director or manager of the company knowingly a party to the default, to the risk of a fine not exceeding £50. In practice, of course, there is no such risk; the section must be used in a reasonable manner.

It has been said, and with justice, that s. 112 does not require the holding of what is usually called an ordinary general meeting; and that, therefore, in order to satisfy the literal wording of that section, all one has to do is to hold an extraordinary general meeting. The sidenote to s. 112 refers to the annual general meeting, but, to get a little more guidance, it seems to be necessary to turn to s. 108, the section dealing with the annual return. This requires every company having a share capital to make a return, once at least in every year, containing a list of all persons who " on the fourteenth day after the first or only ordinary general meeting in the year " are members of the company, and of all persons who have ceased to be members since the date of the last return, or in the case of the first return, of the incorporation of the company.

This latter section, it is true, does not refer expressly to the calendar year, but it does seem to intend to refer to the meeting required by s. 112, and if that be so, a company cannot observe the provisions of s. 108 unless it holds a meeting of the kind envisaged by s. 112 once in every calendar year. It will be remembered that s. 112 (3) provides that if default is made in holding the meeting required under that section, the court may, on the application of any member of the company, call, or direct the calling of, a general meeting of the company. There can, I think, be no doubt but that the court, if it exercised its power under that sub-section, would call, or direct the calling of, an ordinary general meeting; indeed, the court might be surprised if it were asked to summon an extraordinary general meeting under that section.

Applications to the court under the section are, I should imagine, rare, but if such an application has to be made it is provided by Ord. LIIIB, r. 8 (*f*), that it must be made by summons, to which, no doubt, the company, and perhaps also the directors, should be made respondents.

In addition to the annual general meeting every company limited by shares or by guarantee and having a share capital (not being a private company) must hold what is called the statutory meeting, a somewhat misleading term, albeit used in the Act, because the annual general meeting would seem to have an equal, or indeed prior, claim to be called statutory. Incidentally, how often do we come across companies limited by guarantee which have a share capital? Hardly once in a lifetime; and why not abolish them, and thus introduce a minor simplification?

The statutory meeting, details as to which will be found in s. 113, has to be held within a period of not less than one month nor more than three months from the date at which the company is entitled to commence business. I do not intend to enlarge now on the matters which have to be dealt with at the statutory meeting; those who wish to refresh their memories on this topic now must refer to s. 113. We may, however, pause to enquire what the date is at which a company is entitled to commence business.

This depends upon whether the company has, or has not, issued a prospectus inviting the public to subscribe for its shares. In the former case, there are three conditions precedent:—

(*a*) Shares held subject to the payment of the whole amount thereof in cash have been allotted to an amount not less in the whole than the minimum subscription.

(*b*) Every director has paid on each share taken or contracted to be taken by him and for which he is liable to pay in cash, a proportion equal to the proportion payable on application and allotment on the shares offered for public subscription.

(*c*) A statutory declaration of compliance with the above, by the secretary or one of the directors, has been filed.

In the case of a company which has not issued a prospectus, the conditions precedent are not dissimilar, but in lieu of (*a*) above is the necessity of filing a statement in lieu of prospectus.

When the appropriate statutory declaration, and, where required, the statement in lieu of prospectus, have been filed, the registrar of companies must certify that the company is entitled to commence business, and that certificate is to be conclusive evidence that the company is so entitled. I did not intend to get drawn into any general disquisition on the topic of when a company is entitled to commence business, and for further immediate information please turn to s. 94. This date is then to be borne in mind for the purpose of deciding when the statutory meeting must be held, i.e., not less than one month nor more than three months after it.

There is, of course, no obligation on a company of the kind contained in ss. 112 and 113 to hold any extraordinary general meetings, but s. 114 provides for an eventuality that is by no means unknown, namely, the case where certain of the members want a meeting of the company and the board of directors do not. This section is, like ss. 112 and 113, an overriding section, and the benefits conferred by it on members cannot be whittled down by the articles, though, of course, they can be, and sometimes are, extended.

Put quite shortly, s. 114 gives to members of one-tenth of the total voting power in the company the right to have an extraordinary general meeting of the company held; this section replaces one which conferred the right of requisitioning on the holders of one-tenth of the issued share capital of the company on which all outstanding calls had been paid, so that under that section it might well have occurred that members not entitled either to be present or to vote thereat, could validly join in a requisition for the summoning of a meeting.

To deal with the matter in rather more detail: it is provided by s. 114 (1) that the directors of a company must, notwithstanding anything in its articles, on the requisition of members holding at the date of the deposit of the requisition not less than one-tenth of such of the paid-up capital of the company as at the date of the deposit carries the right of voting at general meetings of the company, or, in the case of a company not having a share capital, members of the company representing not less than one-tenth of the total voting rights, forthwith duly convene an extraordinary general meeting of the company. It looks as if this sub-section could be considerably shortened by applying to the case of all companies covered by the sub-section the qualification relating to companies not having a share capital, for do not members who hold not less than one-tenth of such of the paid-up share capital of the company as carries the right of voting at general meetings of the company also represent not less than one-tenth of the total voting rights of all the members having a right to vote at general meetings of the company? Probably they do, but it is not absolutely certain, because it is impossible to say for certain what is meant by " one-tenth of the paid-up capital carrying the right of voting at general meetings of the company." Thus, what is the meaning of this sub-section in the case of a company where a certain class of shares carries a right of voting at general meetings of the company only in certain events?

As a concrete example, what about the company whose preference shareholders are only entitled to vote as such when their dividend is one year in arrear? Presumably, when the dividend is not in arrear the shares cannot be considered to carry the right of voting at general meetings of the company; but the position is not so simple where the dividend is in arrear, but there seems grounds for saying that the shares do then carry rights of voting at general meetings, and that the holders can, therefore, properly join in a requisition. But

take a class of shares which only carry a vote, e.g., on a resolution to wind up the company. I apprehend that, if the object of the meeting in respect of which the requisition is made is to wind up the company, the holders of the shares of that class can join in the requisition, but not otherwise.

The remainder of the section deals with the practical results which flow from a valid requisition: the requisites of a valid requisition being first set out in s. 114 (2). They are, that the requisition must state the objects of the meeting, and must be signed by the requisitionists and deposited at the registered office of the company. A requisition may consist of several documents, in like form, each signed by one or more requisitionists. They need not be absolutely identical in form. Thus, where requisitions were put in which were in the same form, except that one form added at the end of the objects of the meeting set out in the requisition the words "in addition to the affairs of the company in general," Warrington, J., held that they complied with the section: *Fruit & Vegetable Growers Association Limited* v. *Kekewich* [1912] 2 Ch. 52.

The rest of the section can be summarised quite shortly: the directors must summon a meeting within twenty-one days of the deposit of the requisition, and if they do not do so the requisitionists may do so, and recover the expenses so incurred from the company, which in turn can retain the amount from the fees or other remuneration of such of the directors as were in default.

A Conveyancer's Diary.

Transfer of Mortgage by Endorsed Receipt.

THE transfer of mortgage by means of an endorsed receipt was the subject of a recent decision in *Simpson* v. *Geoghegan* [1934] W.N. 232.

There are two new ways of transfer of mortgage introduced by the L.P.A., 1925. I do not know quite why it was considered necessary to make these provisions, as transfers of mortgages in the old form (which, of course, may still be used) are quite simple, especially where endorsed. However, the Legislature has thought fit to give us something still shorter and simpler, but I see little, if any, advantage to be gained by using these new-fangled forms and there may be some dangers in doing so.

First, there is s. 114 (1):—

"A deed executed by a mortgagee purporting to transfer his mortgage or the benefit thereof shall, unless a contrary intention is therein expressed, and subject to any provisions therein contained, operate to transfer to the transferee—

"(*a*) The right to demand, sue for, recover, and give receipts for, the mortgage money or any unpaid part thereof, and the interest then due, if any, and thenceforth to become due thereon; and

"(*b*) The benefit of all securities for the same and the benefit of and the right to sue on all covenants with the mortgagee, and the right to exercise all powers of the mortgagee; and

"(*c*) All the estate and interest in the mortgaged property then vested in the mortgagee subject to redemption or cesser, but as to such estate and interest subject to the right of redemption then subsisting."

Sub-section (3) says that a transfer may be in the form contained in the 3rd Sched., and sub-s. (4) provides that the section shall apply whether the mortgage was made before or after the Act.

It will be noticed that such a transfer must be by deed. The form given in the schedule follows the section and does not call for comment.

That, at any rate, is simple enough, but the Act has provided what seems at least to be a shorter cut still.

Section 115 (1) is concerned with reconveyances and transfers by endorsed receipts. It was a transfer of that kind which was in question in *Re Reeve*. The sub-section enacts that a receipt endorsed on, or written at the foot of or annexed to, a mortgage for all money thereby secured, which states the name of the person who pays the money and is executed by the chargee by way of legal mortgage or the person in whom the mortgaged property is vested and who is legally entitled to give a receipt for the mortgage money, shall operate without any reconveyance, surrender, or release (*a*) where the mortgage takes effect by demise or sub-demise as a surrender of the term so as to merge the term, and (*b*) where the mortgage does not take effect by demise or sub-demise, as a reconveyance thereof, and in either case as a discharge of the mortgaged property from the principal money and interest secured by and from all claims and demands under the mortgage, but without prejudice to any term or other interest which is paramount to the estate or interest of the mortgagee.

Then sub-s. (2) reads—

"Provided that where, by the receipt the money appears to have been paid by a person who is not entitled to the immediate equity of redemption, the receipt shall operate as if the benefit of the mortgage had by deed been transferred to him; unless—

"(*a*) it is otherwise expressly provided; or

"(*b*) the mortgage is paid off out of capital money, or other money in the hands of a personal representative or trustee applicable for the discharge of the mortgage and it is not expressly provided that the receipt is to operate as a transfer."

Now we may consider *Re Reeve*.

By a mortgage dated in 1930 and made between the defendant of the one part and the four persons named in the receipt stated below (the mortgagees) of the other part the defendant charged all her interest under the will of one L. Klefisch, deceased, to secure the payment to the mortgagees of £350 and interest.

The following form of receipt signed by the four mortgagees was endorsed upon the mortgage: "We the within named" (naming the mortgagees) "hereby acknowledge that we have this December 30th, 1931, received the sum of £350 representing the principal money secured by the within-written mortgage together with all interest and costs, payment having been made by S. J. Simpson of, etc., it being intended that the receipt shall operate as a transfer."

This was an originating summons issued by Simpson (the person stated by the receipt to have paid the mortgage money) against the mortgagor claiming an account and foreclosure.

Upon the matter coming before the Master, he raised the question whether the receipt operated as a transfer of the benefit of the mortgage within the meaning of s. 115 of the L.P.A., 1925, on the ground (*a*) that the receipt was not under seal, and (*b*) that the receipt contained no statement that the plaintiff was not entitled to the immediate equity of redemption.

The defendant did not enter an appearance.

Unfortunately the case is only shortly reported, and we do not know what the arguments used were and, as will be seen, the judgment as reported does not give the reasons for it with any particularity. Still more unfortunately it seems that a full report is not to be vouchsafed to us. I should have thought that the question involved was of sufficient importance to have called for a report in the Law Reports.

The two points raised by the Master are, at any rate, plain enough. In the first place, should the receipt be under seal? In connection with this, it will be observed that the expression used in the sub-section is, "Executed by the chargee, &c." The word "executed" is usually applied to documents under seal and generally imports more than mere signing. If

signature alone was intended it would have been easy for the enactment to say so. Section 114 (1) commences "A deed executed by a mortgagee," whilst in s. 115 the words used are "a receipt executed by a chargee." It is, at any rate, arguable that "executed" means the same in both places.

Then the Master suggested that it was essential that the receipt should state that the plaintiff was not entitled to the immediate equity of redemption. Upon this point it will be observed that the sub-section states "where *by the receipt* the money appears to have been paid by a person who is not entitled to the immediate equity of redemption." It seems to me that those words "by the receipt" indicate that it must appear on the face of the receipt itself that the person paying is not entitled to the immediate equity of redemption. If not I do not know why those words were used at all. In this case, there was nothing of the kind to be gathered from the receipt. Looking at the mortgage, however, it would appear that the person paying was not the original mortgagor, but nothing more. The plaintiff Simpson, who was stated to have paid the money, might have been entitled to the immediate equity of redemption by transfer. It looks, in fact, as though the words "by the receipt" were introduced to meet just such a case. Of course, the words which are added, "it being intended that the receipt shall operate as a transfer" can have no significance at all. What the parties intended is immaterial. The question is whether what they have, in fact, done complies with the requirements of the sub-section. If not, the receipt did not operate as a transfer, whatever the parties meant.

The judgment is reported as follows: "Clauson, J., said that it was not necessary that the receipt should be under seal; it satisfied the Statute if it were—as in the present case it was—under the hands of the mortgagees. The receipt showed, *prima facie*, that the person entitled to the equity of redemption was the defendant P. Geoghegan, and not the plaintiff—s. 115 (2) of the Act did not require that the fact that the person who paid the money to the mortgagees was not entitled to the equity of redemption should be stated on the form of the receipt. The receipt which was endorsed on the mortgage executed in favour of the plaintiff operated to transfer the benefit of the mortgage to the plaintiff, who accordingly was entitled to the relief which he claimed."

With great respect to the learned judge, I am unable to see that "the receipt showed, *prima facie*, that the person entitled to the equity of redemption was the defendant P. Geoghegan." The receipt does not show anything of the kind—the name of P. Geoghegan is nowhere mentioned in it. Nor can I see how, when the Act provides that something is to appear "by the receipt," it can be said that the Act does not require that that something should be stated in the form of the receipt.

It is a pity that a full report is not available, or it seems likely to be. The judgment as it appears in the W.N. report is far from satisfactory.

Landlord and Tenant Notebook.

"Whether Lawfully Demanded or not."

It is a rule of common law that if a lease contains an unqualified proviso for re-entry on rent becoming in arrear, the landlord cannot enforce the forfeiture unless on the last day of the period specified he goes through a somewhat elaborate ceremony. This involves attending wherever the rent is payable long enough before sunset to allow of the money being counted; and it is no use turning up in the morning of the last day, or on the evening of any other day, before or after the last day.

Statute 4 Geo. 2, c. 28, s. 2, now the Common Law Procedure Act, 1852, s. 210, relieved landlords from what Lord Ellenborough characterised as "this operose business," by enacting that landlords could always avail themselves of such powers of re-entry if six months' or more rent was in arrear and there was not enough distress on the premises to satisfy what was due. The County Courts Act, 1888, s. 139, applies this to property within the jurisdiction of county courts.

Strange to say, this legislation, designed to assist landlords, appears to have had a demoralising effect on some, and I have twice recently come across cases in which the view has been taken that it is always necessary for a lessor to wait till six months' rent is in arrear before issuing a writ of summons for possession on the ground of forfeiture for non-payment of rent. In one case, at all events, the proviso was duly qualified—as most such provisoes are—by the words "whether legally demanded or not" following, in parentheses, the word "rent"; and I have reason to suppose that he who drew the lease copied that phrase without appreciating its significance in the least.

The fact is that good draftsmanship forestalled Parliament by more than 129 years—for already in *Dormer's Case* (1593), 5 Co. 40a, we find among the resolutions of the court the following: "By special consent of the parties, a re-entry may be for default of payment of rent without demand of it." The learned reporter adds, possibly with the collateral object of demonstrating to Francis Bacon that the common law was not so rigid a machine as some people would have us believe: "And divers other cases were put where consent of the parties shall alter the form and course of law."

A couple of passages from the report of *Goodright* v. *Cator* (1780), 2 Doug. 477, will show us what the statute did, and what it did not, effect. In argument, "Mr. Rous [for the defendant] contended: 'that it was clear, from the wording of the statute of 4 Geo. 2, c. 28, s. 2, that *demand*, and *actual* re-entry in *all cases* between landlord and tenant are only to be dispensed with where there is *half* a year's rent in arrear, and no sufficient distress to be found in the premises. Here only a *quarter's* rent is stated to have been in arrear, and, as it is not found that there was not sufficient distress,' etc. In the judgment of Lord Mansfield: 'Mr. Rous also contended that a *demand* of the rent was necessary. There seemed to be some weight in that point, upon the reason of the thing . . . But, *here*, by the express terms of the lease, the demand is dispensed with. The Act of 4 Geo. 2 is very perplexed; but the meaning certainly only is, that, where there is no stipulation in the lease for entry without demand, you may, notwithstanding, enter without demand provided six months' rent is in arrear, and there is not a sufficient distress; otherwise, in such cases, you must make a demand.'"

Those concerned for intending landlords will do well to adhere to the time-honoured "whether legally demanded or not," while the advisers of proposed tenants may, perhaps, serve their clients' interests by having recourse to one of the variations which have been introduced. In *Doe d. Scholefield* v. *Alexander* (1814), 2 M. & S. 525, Lord Ellenborough and his colleagues were much puzzled as to the construction of the phrase the rent "being lawfully demanded" which occurred in a proviso for re-entry on rent being twenty-one days in arrear. The defendant owed five quarters' rent; while no evidence of any demand of any kind was adduced by the plaintiff, it was shown that there was no distress available. The learned Lord Chief Justice inclined to the view that the idea was that there should be a demand as a condition precedent to forfeiture, but not necessarily the ceremonial demand described in my opening paragraph; but the other members of the court, two with great diffidence, came to the conclusion that the phrase was, as it were, merely declaratory, so that the statute applied, and thanks to the evidence as to there being no distrainable chattels the claim succeeded.

But in *Phillips* v. *Bridges* (1873), L.R. 9 C.P. 48, a very slightly differently worded variation of the stock qualification was held to make some difference. The proviso ran: "If the

tenant shall make default . . . within twenty-one days after the same shall be due, being demanded, it shall be lawful," etc. The court unanimously decided that this, indeed, meant that the parties had agreed to dispense with the formalities of a demand according to common law; but, unfortunately for the landlord, he had made his informal request for the Ladyday rent on the 9th April, and the learned judges also decided that the informal demand had to be made after the period of twenty-one days had elapsed.

Granted that this decision is one that might be attacked with success in courts exercising appellate jurisdiction, especially in these days when many landlords send, and many tenants seem to expect, something in the nature of an invoice every quarter-day (as if the covenant to pay rent meant nothing); yet the moral is that if the proviso for re-entry on non-payment of rent is to be qualified at all, it is advisable (from the lessor's viewpoint) to use the stock phrase, "whether lawfully demanded or not." One common variation, consisting of the substitution of "formally" for "lawfully," is unobjectionable; indeed, it expresses rather more accurately the intention succinctly described by Lord Mansfield in *Goodright* v. *Cator*, *supra*, and disposes of a possible query as to why anyone should contemplate an unlawful demand.

Our County Court Letter.

THE CLEANSING OF WATERWAYS.

In a recent case at Nottingham County Court (*Nottingham Corporation* v. *Kenyon*), the claim was for £8 12s. 11d., as the cost of cleansing a section of the River Leen fronting the defendant's property. The plaintiffs' case was that (*a*) the Nottingham Corporation Act, 1882, conferred powers of cleansing waterways, and the requisite notice had been given to the defendant; (*b*) by reason of his default in complying therewith, the plaintiffs had passed a resolution to do the work with their own men, and to charge the defendant with the cost, which had accordingly been done. The defendant's case was that (1) work had been done only while the stream was high, and no sludge had been removed from the bed of the river; (2) the men went there without his permission, and he would have done the work himself (if asked) as the alleged cost was exorbitant. It was pointed out for the plaintiffs that any notice of objection was required to be in writing. His Honour Judge Hildyard, K.C., gave judgment for the plaintiffs, with costs.

ACCESS TO BUILDING ESTATE.

The absence of a notice that a road is "Unadopted," or is a "Private road," or that there is "No thoroughfare," does not imply that the road is necessarily a public highway. In a recent case in the Manchester Chancery Court (*Bryans* v. *Wright Musker & Co. Ltd.*), an application was made for an injunction to restrain the defendants from using Hawthorn Drive, Pendlebury, and from interfering with a wire-and-post fence. The plaintiff was a householder, and his case was that Hawthorn Drive was an unpaved or occupation road, for the use of the owners and occupiers of the houses. It was not a public highway, but the defendants had used it as a means of approach to a building estate, and their lorries had made deep ruts and raised clouds of dust. The defendants contended that the road was a public highway, and they counter-claimed for trespass on their property. The Vice-Chancellor (Sir Courthope Wilson, K.C.) held that, in the absence of evidence of public user, the road was not a highway. An injunction was therefore granted, with costs.

INTERFERENCE WITH RIGHT TO LIGHT.

In the recent case of *Leaman* v. *Cole*, at Torquay County Court, the claim was for £50 as damages for nuisance, £50 as damages for trespass, and an order for the demolition of a building. The counter-claim was for £10 as damages for trespass. The plaintiff's case was that (1) his property adjoined that of the defendants, both being comprised in a building lease for ninety-nine years, granted on the 14th June, 1897; (2) having previously paid £18 a year in rent, the plaintiff bought the residue of the lease in 1923 for £350, and the dividing walls were found to be party structures; (3) nevertheless the defendant (in spite of protests) had extended his own premises by building upon the dividing wall, thereby obstructing the access of light and air to three of the plaintiff's windows, as the houses were terraced upon a steep hill; (4) the plaintiff's house had depreciated £50 in value. The defence was that the ground landlord consented to the alterations, and the diminution of light did not amount to a nuisance. His Honour Judge Wethered gave judgment for the plaintiff for £100 and costs, and an order was made for the demolition of the defendant's building in order to restore the plaintiff's property to its former condition. The order would be suspended, if the damages were paid within twelve months, otherwise the order would operate and the damages would be reduced to £5. The counter-claim was dismissed, with costs.

Correspondence.

[*The views expressed by our correspondents are not necessarily those of* The Solicitors' Journal.]

Undercutting.

Sir,—My excuse for referring again to this important matter is that sometimes a certain confusion of thought is involved. There are three separate problems.

Firstly, when salaried solicitors for local authorities or corporations prepare conveyances for persons other than their employers and pass the fees over to such employers; this is definitely illegal under Section 44 of the Stamp Act, 1891. I believe that The Law Society Council, while satisfied as to the illegality of these practices, considers it impolitic to pursue the matter in order to obtain a conviction. Further questions may arise as to whether the soliciting for business in this manner by circular is unprofessional, but that is hardly material under the above heading.

Secondly, when Building Society solicitors not only work at cut fees, but allow the Societies employing them to circulate to prospective borrowers a prospectus indicating that the solicitors are willing to act for purchasers at cut fees. I understand that this reprehensible practice, as a result of action by The Law Society Council, has been officially disapproved by the President of the Association of Building Societies, but it does not yet appear that any instructions to this effect issued by him have been universally honoured. I feel sure that the profession generally considers this form of advertising and undercutting if still continued to be "professional misconduct," and consequently deserving of disciplinary action.

Thirdly, and quite distinct from the two above problems, is undercutting in general practice with which I dealt in my last letter.

Admittedly the problem is a difficult one to handle, but from conversations I have had with many representative members of the profession, I think wide support would be given to the enforcement of the principle that an agreement, whether in writing or verbal, to conduct conveyancing business at reduced fees for a person who is not a client should be deemed to be "unprofessional conduct."

If this could only be accepted as a principle of ethics, the breach of which involves the solicitor concerned in censure in the first instance and in more drastic treatment on any subsequent offence, a start at the solution of the matter could be found.

London, W.C. Harold Bevir.
16th December.

To-day and Yesterday

LEGAL CALENDAR.

17 DECEMBER.—On the 17th December, 1868, Lord Chancellor Brewster bidding good-bye to the Irish Bar said: "I have always found it the most disagreeable thing in the world to say farewell. No man ever came to the Irish Bar who owes more to the whole body than I do . . . When I was young, I never wanted assistance that I did not find the hand stretched to assist me. When I became a leader, I found from the juniors such assistance as made my labours comparatively light . . . When I came here as Chancellor, I looked back on those kindnesses with gratitude.

18 DECEMBER.—On the 18th December, 1843, Mr. Baron Parke tried four men at Nottingham for a burglary in the house of The Reverend Robert Meek, rector of Sutton Bonnington. One night the unfortunate cleric had heard his front door broken in by several men. He had escaped by the back door in his nightshirt, but had been pursued, assaulted and brought back to find his house in the possession of masked burglars. Under threat of violence, he produced his money and his plate and they carried it away. Though the prisoners produced alibis, the jury convicted, and they were sentenced to transportation for life.

19 DECEMBER.—On the 19th December, 1665, Sir Thomas Malet, formerly a Justice of the King's Bench, died at the age of eighty-three.

20 DECEMBER.—On the 20th December, 1855, Thomas Palin, a ticket of leave convict, was tried for murder at Maidstone. The brutal battering of the wife and mother of a poor labouring man for the sake of a little money and a few clothes in their cottage, however, remained an unsolved mystery, for though the police found some of the missing garments in the prisoner's possession and built up a considerable case against him on circumstantial evidence, the jury after a long deliberation brought in a verdict of "Not Guilty." At the next Gloucestershire Assizes, however, he was sent to transportation for a burglary.

21 DECEMBER.—Mr. Justice Owen, who died on the 21st December, 1598, is best remembered by the reports which bear his name. The preface declares that "that accomplisht Gentleman, Sir Roger Owen . . . performed the office of a pious and dutifull Son, in Erecting a Monument to the Memory of his worthy Father in the Abby-Church at Westminster . . . There yet remaines one Monument more, Omni ære perennius, These excellent Reports drawn by his own hand in a Language then in use and most expeditious for that purpose . . . The Authors sage Wisdome and Prudence like a pretious Limbeck derives unto thee the Spirit and Quintessence of those many learned arguments that were made in these Cases."

22 DECEMBER.—Lord Campbell's Act was still a novelty when the widow of Mr. William Dakin, coffee dealer, of No. 1 St. Paul's Churchyard, sued the maker of Brown's Cellular Steam Plate in respect of the violent death of her husband. The action was tried in the Common Pleas on the 22nd December, 1849. Dakin died a martyr to the improvement of the taste of coffee which he hoped to achieve by roasting it in the defendant's contraption. This oven was supposed to be capable of generating a heat of 500 degrees. On the fatal morning, it reached 480 degrees and then blew up. A verdict for £800 was returned.

23 DECEMBER.—On the 23rd December, 1830, Lord Plunket, Chief Justice of the Irish Common Pleas, was appointed Lord Chancellor of Ireland. He had had the reputation of a hasty judge, and the choice was not immediately popular, but he was patient and acute, and he established himself by his tenacious grasp of principle, his practical efficiency, and his persuasive and lofty mode of address.

THE WEEK'S PERSONALITY.

Sir Thomas Malet was one of the loyal judges who suffered at the hands of the Parliament during the Civil Wars. He became a Justice of the King's Bench in 1641, and there strongly upheld the royal prerogative. But he was soon silenced. At the Maidstone Assizes he defied certain members of the House of Commons who tried to force him to publish some orders and declarations of the Parliament, for he said that he sat by virtue of His Majesty's commission and could not travel outside it. The King sent him a letter of thanks, but the Parliament sent a troop of horse and arrested him on the Bench at the Kingston Assizes, "to the unspeakable dishonour of the publick justice of the Kingdom and the scandal of all ministers or lovers of justice." He thus remained in prison from 1642 till 1644, when he was released on an exchange of prisoners. Next year, Parliament disabled him from being a judge "as if dead." For fifteen years he remained suspended, and then on the Restoration, at the age of seventy-eight, he was replaced on the Bench, having the satisfaction of sitting on the Commission that tried the Regicides. Actually, he was by now unfit for judicial work, and in 1663, he was dispensed from further attendance in court, being left the title and salary of a judge, besides being granted a pension of £1,000 and a baronetcy.

THE TRADITION OF ROBES.

At the Shoreditch County Court recently His Honour Judge Lilley refused to hear a solicitor who appeared before him without robes, thus guarding even in its more informal temples the formality of English justice. It is true that from a certain utilitarian point of view the precise magic residing in a gown may be difficult to define, and, in this connection, one is reminded of the account given by an Indiana member of Congress of the public robing of a Supreme Court judge which he had witnessed: "I had never seen anything like it before; it reminded me of the man who had repeated several times that he would die at the stake for the religion of his father, and being asked: 'What was your father's religion?' answered: 'I don't exactly know, but it was something very solemn.' So with me, I did not exactly know what the gowns were for, but I thought the court looked very solemn." However, as Phillimore, J., observed when he appeared in scarlet and ermine and full-bottomed wig to address an audience of ladies at York, "Judges' robes are never worn for the sake of dressing up, but to impress both themselves and others with the awe and majesty of the law." Their justification is as a symbol of the continuity of legal tradition.

A WORD UNHEARD.

In the course of a recent Chancery case in which complaint was made of the noise at a certain dirt-track and dog-racing centre, a witness inadvertently spoke of "the damned noise from these motor-cycles," hurriedly adding, "I'm sorry, my lord." But Clauson, J., joining in the laughter indulgently said: "I did not hear it." The incident recalls something which once happened in an assault case before Mr. Justice Patteson. A witness was called to prove that the plaintiff had provoked the defendant by saying to him "Damn your eyes." He was a nervous man, and not wishing to shout such words in court, bent down to whisper them in the judge's ear, for Patteson was deaf and the witness stood close by him. His Lordship, however, exclaimed irritably: "Don't put your nasty mouth to my ear, but speak up." Still speaking low, the witness repeated: "He said 'Damn your eyes'." Again the judge did not hear and turning to the man so terrified him with the threat of committal if he did not speak up that at last the poor fellow shouted, without any preface: "Damn your eyes" in such a way that he seemed to be swearing at the judge. Patteson's face flushed up very much, but he said nothing.

Reviews.

The Companies' Diary and Agenda Book, 1935. Edited by Herbert W. Jordan, Company Registration Agent. Foolscap folio. London: Jordan & Sons, Ltd. 4s. net.

This useful diary, which is in its fifty-second year of publication, contains a series of notes on company law and practice, arranged alphabetically, indicating the principal requirements of the Companies Act, 1929. Various other matters are included, such as notes on Stamp Duties and Registration Fees, together with a table showing the duties and fees payable, and annual returns of capital and members.

A Guide to Lunacy Practice. By G. Grossman, B.A. (Oxon), of the Inner Temple, Barrister-at-Law, and John J. Wontner. 1934. Demy 8vo. pp. vii and (with Index) 151. London: Sir Isaac Pitman & Sons, Ltd. 10s. 6d. net.

This book provides a clear and concise guide to the practice of the Management and Administration Department of the High Court under the Lunacy Acts, 1890 to 1922. The recent changes in and developments of the law as administered at the Royal Courts since the annulling of the old rules of practice are fully set forth, and all the relevant extracts from the Lunacy Acts, together with the full text of the Management of Patients' Estates Rules, 1934, are embodied, together with a schedule of forms and a chapter on fees and costs.

The Conduct of and Procedure at Public, Company and Local Government Meetings. By Albert Crew, of Gray's Inn and the Middle Temple, Barrister-at-Law, Recorder of Sandwich. Fourteenth (enlarged) Edition. 1934. Crown 8vo. pp. xxxii and (with Index) 424. London: Jordan and Sons, Ltd. 7s. 6d. net.

This is an enlarged edition of a work designed mainly to cover procedure at meetings of companies, to which the greater part of the work is devoted; but it also deals in detail with procedure at public meetings other than "company" meetings. The enlarged portion deals with meetings of local authorities, e.g., of parish, district, borough and county councils. It contains useful appendices, including one of terms not usually understood by the non-legal mind; also the text of the Local Authorities (Admission of the Press to Meetings) Act, 1908; Table "A" of the Companies Act, and a number of convenient forms.

Sweet and Maxwell's Diary for Lawyers, 1935. Edited by Philip Clark, of the Central Office, Royal Courts of Justice. Demy 8vo. London: Sweet & Maxwell, Ltd.; Manchester: Meredith, Ray & Littler. 6s. 6d. net.

This is the forty-third edition of Messrs. Sweet & Maxwell's popular diary, which contains a great deal of useful information for lawyers. The diary portion provides one page for every day, and may be obtained with or without money columns. There are more than 600 pages of miscellaneous legal matters, such as a list of towns showing county court districts and district registries, a courts directory, tables of costs and fees, time-tables, and notes on stamp and death duties.

Books Received.

The Arbitration Acts, 1889 to 1934, with explanatory notes. By W. Arthian Davies, M.A., of the Inner Temple, Barrister-at-Law, and H. J. Baxter, B.A., of the Inner Temple, Barrister-at-Law. 1934. Demy 8vo. pp. xvi and (with Index) 132. London: Waterlow & Sons, Ltd. 7s. 6d. net.

Housing Administration. By Stewart Swift. 1935. Demy 8vo. pp. xix and (with Index) 455. London: Butterworth and Co. (Publishers), Ltd.; Shaw & Sons, Ltd. 25s. net.

Notes of Cases.

Court of Appeal.

Trinder *v.* Trinder and Midwinter.

Lord Hanworth, M.R., Slesser and Romer, L.JJ. 17th December, 1934.

Divorce—Order for Jury—Two Trials—Jury Disagree—Order Discharged—Trial to be by Judge Alone—Jurisdiction.

Appeal from a decision of Sir Boyd Merriman, P.

The husband filed his petition in 1933 and before the hearing on his application an order was made under the Rules of the Divorce Division that the issue should be tried by a jury. The first trial was before Bateson, J., in June, 1934, and after a seven-day hearing the jury disagreed. The second trial was before Langton, J., in November, 1934, and after a six-day hearing the jury again disagreed. Subsequently the petitioner took out a summons under R.S.C., Ord. XXXVI, r. 1, for an order that the order for the jury should be discharged and that there should be a trial by a judge alone. On the 26th November the President made the order. The respondent and co-respondent appealed.

Lord Hanworth, M.R., dismissing the appeal, said that he had no doubt there was jurisdiction to make the order. The question, where the issue was one of alleged cruelty, was considered in *Runn-Gunn* v. *Runn-Gunn and Archer* [1931] P. 147. There was here no claim for damages, and therefore the provision in r. 30 (*b*) of the Matrimonial Causes Rules, 1924, that trial should be by a common jury did not apply. Under that rule the President could make such an order as this; the power was not limited to one application or one order only. It was unnecessary to invoke Ord. XXXVI, r. 1. The question then arose whether the President was right in making the order. There was some correspondence and also evidence on medical details on which different views might be formed by those who heard it. Moreover, considerable publicity had been given to the previous trials, which, though doubtless the jury would be directed to pay no attention to them, could not be disregarded. The President took a correct view.

Slesser and Romer, L.JJ., agreed.

Counsel: *Hilbery*, K.C., and *Morle*; *Pritt*, K.C., and *Thomas Bucknill*; *Kimber*.

Solicitors: *Batchelor, Pirkis & Fry*; *Druces & Attlee*.

[Reported by Francis H. Cowper, Esq., Barrister-at-Law.]

High Court—Chancery Division.

de Pret-Roose *v.* de Pret-Roose.

Bennett, J. 3rd, 4th and 5th December, 1934.

Husband and Wife—Husband's Threat to Remove Children—Influence on Wife—Deed of Separation—What amounts to Duress.

In March, 1933, a husband and wife entered into a deed of separation under which the wife was to have the children of the marriage with her for six months of the year and the husband was to receive very substantial financial advantages. In the preparation of the deed the parties were separately advised by their solicitors, no interview of any importance taking place between them after November, 1932. The wife now sought to have the deed set aside on the ground that her signature had been obtained by duress and undue influence.

Bennett, J., in giving judgment, said that in November, 1932, the husband threatened to remove the children from the country. This threat operated on the wife's mind and influenced her in the arrangements she afterwards made. Did this amount to such duress as would in law render the deed void? To reach this conclusion the court must be satisfied that the assent was not really hers, but was forced

upon her, and that her powers of volition were so paralysed that her acts expressed not her will but her husband's (see *Cooper* v. *Crane* [1891] P. 369). She had not established that. Though influenced by the threat, she had not lost her own volition. Consequently the action failed.

COUNSEL: *Sir Patrick Hastings*, K.C., and *A. M. Stevenson*; *Simonds*, K.C., and *C. R. Romer*.

SOLICITORS: *Gordon Dadds & Co.*; *Charles Russell & Co.*

[Reported by FRANCIS H. COWPER, Esq., Barrister-at-Law.]

High Court—King's Bench Division.

Seeberg Brothers *v.* Russian Wood Agency, Limited.

MacKinnon, J. 30th November, 1934.

SHIP—CHARTER-PARTY—STRIKE CLAUSE—CHARTERERS NOT LIABLE FOR DEMURRAGE DURING STRIKE.

In this case the plaintiffs, Seeberg Brothers, Latvian shipowners, claimed from the defendants, Russian Wood Agency, Ltd., £1,279 for demurrage under a charter-party in the Baltwood form, dated the 7th July, 1933, whereby the plaintiffs' steamer "Rauna" was charted to Exportles, Moscow. The charter-party provided that the "Rauna" should go to Leningrad below bridges and there load from the agents of the charterers a full and complete cargo of timber for carriage to Hull. She arrived at Leningrad below bridges on the 17th July, 1933, and notice of readiness was duly given to the charterers. The plaintiffs contended that the loading time began at 8 a.m. on the 19th July and expired at 2 p.m. on the 2nd August. The loading, however, was not in fact completed until the 26th September. In the result, the "Rauna" did not arrive at Hull until the 9th October. The plaintiffs claimed £1,279 for demurrage at port of loading. The defendants, by their defence, said that on the 5th July, 1933, a strike of stevedores and other dock workers in the port of Leningrad broke out, and the strike continued until the 14th September; and that during that time it was impossible to obtain any labour for loading the "Rauna," and the time for loading did not begin to run until the 14th September.

MACKINNON, J., said that as to the existence of a strike the evidence was really all one way. There was a strike so far as regarded Latvian steamers, apparently in sympathy with some labour dispute in Latvia. No doubt Exportles was in one sense an aspect of the Russian Government's activities. But it did not supply its own labour, and he had come to the conclusion that Exportles, who were the real though not the nominal defendants in the action, were prevented from loading by a strike of workmen essential to the loading within the meaning of the relevant clause in the charter-party. He had a strong suspicion that if Exportles had been really anxious to load this steamer they would have been able to find some way of doing so, but he could not decide the case on mere suspicion. The only evidence before him was that there was a strike. There must be judgment for the defendants. A stay was granted.

COUNSEL: *Le Quesne*, K.C., and *McNair*, for the plaintiffs; *van den Berg*, K.C., and *Shawcross*, for the defendants.

SOLICITORS: *Pritchard, Sons, Partington & Holland*, for *Andrew M. Jackson & Co.*, Hull; *Wynne-Baxter & Keeble*.

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law.]

Mitchell *v.* Alexander.

Lord Hewart, C.J. 30th November, 1934.

CONTRACT—FORMATION OF CLUB—FIDUCIARY RELATIONSHIP—BREACH—DAMAGES.

In this action Kenred Vernon Mitchell, aged twenty-four, a lieutenant in the Supplementary Reserve of Officers, claimed from Maurice Alexander, a member of the English Bar, one of His Majesty's Counsel of the Canadian Bar, and a lieutenant-colonel in the Canadian Militia, damages for breach of contract, or, alternatively, of a fiduciary duty owed by the defendant to the plaintiff. In December, 1922, the plaintiff, who was then without employment, conceived the idea of forming a social club in London for officers of all branches of the Territorial Forces. He, and a friend named Tattersfield, devoted their time and incurred expense in ascertaining what support might be expected. About 1,200 officers, in reply to a circular letter, indicated their willingness to become members of the club. The defendant was the leaseholder of No. 2, Hamilton Place, Piccadilly, and about the beginning of February, 1933, the plaintiff and his friend entered into negotiations with him with the view of settling terms on which those premises could be acquired for the proposed club. They gave the defendant details of the scheme, and he suggested that he, himself, might finance the scheme. At a further meeting on the 9th February, 1933, the defendant stated that a proposal that the plaintiff should act as secretary, and Tattersfield as catering manager, of the club at a commencing remuneration of £300 a year each was not unreasonable. On the 8th May, 1933, without the approval of the plaintiff and his friend, the defendant procured the registration of a private company called "Piccadilly Properties, Ltd." with a share capital of £500 in £1 shares, having for its object the establishment of a club as proposed by the plaintiff. A club with the name of "The Territorial Officers Club" was opened. The defendant took no steps to procure the employment of the plaintiff in the administration of the club, and said at an interview that the plaintiff had done nothing. From first to last the plaintiff did not receive a penny from the defendant. The defendant denied liability.

Lord HEWART, C.J., said that it was contended on behalf of the plaintiff that a fiduciary relation existed between him and the defendant, and that the defendant had committed a breach of the duty arising from such relationship. Among other cases, the words of Turner, V.-C., in *Billage* v. *Southee*, 9 Hare 534, were cited. He (Lord Hewart) thought that it was clear that a relation of confidence was created between the plaintiff and the defendant in this case, and that the defendant had, to the detriment of the plaintiff, committed a breach of the duty of good faith arising from the relation. Judgment for the plaintiff for £567, with costs.

COUNSEL: *Lord Erleigh*, K.C., and *W. H. Moresby*, for the plaintiff; *Cartwright Sharp*, K.C., for the defendant.

SOLICITORS: *Haslewood, Hare & Co.*; *Bartlett & Gregory*.

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law.]

[In the above case leave to appeal has been granted by the Court of Appeal.]

Kay (*orse.* Gunson) *v.* Kay.

In the report of this case which appeared at p. 899 of last week's issue, the following line was omitted:

LANGTON, J., pronounced a decree *nisi* of nullity.

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Forshaw, *In re*; Wallace *v.* Middlesex Hospital	519, 859
Forster and Another *v.* Williams Deacon's Bank Ltd.	754
Garland, *In re*: Eve *v.* Garland	519
Gissing *v.* Liverpool Corporation	601
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Joseph Samson Lyons, *In re*: *Ex parte* Barclays Bank Limited *v.* The Trustee	754
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Lord St. Davids *v.* Union Castle Mail Steamship Company, Ltd.	877
McCormick *v.* National Motor and Accident Insurance Union Ltd.	633
M'Gillivray *v.* Hope and Another	503
Marshall *v.* Blackpool Corporation	488
Maundy Gregory, *In re*: *Ex parte* Norton	550
Midland (Amalgamated) District(Coal Mines) Scheme, 1930, *In re* Robert Holliday & Sons Ltd. *v.* Executive Board	803
Monk *v.* Warbey and Others	783
Montague Burton Ltd. *v.* Commissioners of Inland Revenue	600
Nippon Yusen Kaisha *v.* China Navigation Co. Ltd.	897
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Paterás and Others *v.* Royal Exchange Assurance	569
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Pearce *v.* Maryon-Wilson	860
Peterborough Trust, Ltd. *v.* Steel Industries of Great Britain, Ltd.	861
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Postmaster-General, H.M., *v.* Birmingham Corporation	840
Privett *v.* Darracq Motor Engineering Co. Limited	550
Rawlinson, deceased, *re*: Wilson and Another *v.* Banks and Others	602
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Rex *v.* Milk Marketing Board: *Ex parte* North	536
Rex *v.* Minister of Health: *Ex parte* Purfleet Urban District Council	633
Rex *v.* Proprietor, Printer, and Publishers of the "Daily Worker"; *ex parte* Goulding and Others. Rex *v.* Editors, Printers, and Publishers of the "Star," "Daily Telegraph," and "New Leader"; *ex parte* Goulding and Others	860
Robinson *v.* Graves	536
Rugby School Governors *v.* Tannahill	801
Russian and English Bank *v.* Baring Brothers & Co. (No. 3)	876
Russo-Asiatic Bank, *In re*; Russian Bank for Foreign Trade, *In re*	647
Scott *v.* Commissioners of Inland Revenue	838
Shaw and Others *v.* London County Council and Another	519, 734
Sheo Swarup and Others *v.* The King-Emperor	600
Sigsworth, *In re*: Bedford *v.* Bedford	735
Smith, *In re*: Trevor *v.* Goodhall	839
Snowdon *v.* Ecclesiastical Commissioners	820
Solicitor, *In re* a	587
South-East Lancashire Insurance Co., Limited, *In re*	859
Stanton *v.* Laws	802
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Strickland *v.* Bonnici	820
Thompson *v.* Thompson	820
Trollope, Geo., & Sons *v.* Martyn Bros.	568
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Versicherungs und Transport Aktiengesellschaft Daugava *v.* Henderson	503
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Waring *v.* London and Manchester Assurance, Co., Ltd.	860
Weight (Inspector of Taxes) *v.* Salmon	617
Wheeler *v.* Wirral Estates Ltd	802
White and Another *v.* Bambridge	734
Williamson *v.* Ough (Inspector of Taxes)	585
Winmill *v.* Winmill	536
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TRAVERS SMITH SCHOLARSHIP.

At a meeting of the Council of The Law Society, the Scholarship for the year 1934 was, on the recommendation of the trustees of the late Joseph Travers Smith, awarded to Ronald Kenelm Kerr, B.A., who served his articles of clerkship with Mr. Ion Buchanan Pritchard, of London and York.

Obituary.

SIR CHARLES COOK.

Sir Charles Archer Cook, K.C.B., late chief Charity Commissioner, died at Hascombe, Godalming, on Friday, 14th December, at the age of eighty-five. He was educated at Trinity Hall, Cambridge, and was called to the Bar by Lincoln's Inn in 1873. He was appointed Assistant Charity Commissioner in 1888, Second Commissioner in 1902, and Chief Commissioner in 1906. In 1911 he was created a C.B., and in 1914 he received the honour of knighthood. He retired in 1916.

LIEUT.-COL. O. A. BUTCHER.

Lieut.-Col. Osborne Arthur Butcher, D.S.C., solicitor, of Bloomsbury-place, W.C., died on Tuesday, 27th November, at the age of fifty-three. He was admitted a solicitor in 1904.

MR. L. WALSH.

Mr. Leonard Walsh, solicitor, of Wigan, died recently at the age of twenty-seven. Mr. Walsh was admitted a solicitor in 1930, and had been practising at Wigan.

Rules and Orders.

THE COUNTY COURT (NO. 2) RULES, 1934. DATED DECEMBER 1, 1934.

1. These Rules may be cited as the County Court (No. 2) Rules, 1934, and shall be read and construed with the County Court Rules, 1903, as amended.*

An Order and Rule referred to by number in these Rules means the Order and Rule so numbered in the County Court Rules, 1903, as amended.

A Form referred to by number in these Rules means the form so numbered in Part I of the Appendix to the County Court Rules, 1903, as amended.

The County Court Rules, 1903, as amended, shall have effect as further amended by these Rules.

2. Rules 9, 10 and 11 of Order II shall be revoked.

3. Rules 21 and 22 of Order IX shall be revoked.

4. Paragraph (1) of Rule 1 of Order XXA shall be omitted and the following paragraph shall be substituted therefor :—

Order for reference for inquiry and report.

"(1) (i) An order for the reference of any action or matter or any question arising therein to the Registrar or a Referee for inquiry and report under section 6 of the County Courts Act, 1919, as extended by section 20 of the County Courts (Amendment) Act, 1934, shall be according to the Form in the Appendix.

(ii) The order may be made on an application by any party made in accordance with the rules as to interlocutory applications, or at the hearing on such application or by the Judge of his own motion."

5. Order XXII shall be amended as follows :—

(*a*) Rules 1, 2 and 3 shall be revoked, and the following Rules shall be substituted therefor :—

"1.—(1) An application for an order for trial with a jury may be made on notice in writing served on the opposite party 2 days at least before the hearing of the application.

(2) The application shall, if time allows regard being had to the date of service of the summons, be made at least 10 clear days before the return-day.

(3) The Judge may from time to time give the Registrar a direction as to whether the application is to be heard by the Judge or the Registrar in every case or in any particular case or class of case.

2. Where the application is made less than 10 clear days before the return-day, or where for that or any other reason the application is not heard in time for a jury to be summoned, the Judge or Registrar may, on such terms as he may think fit, postpone the trial so as to allow time for a jury to be summoned.

3.—(1) Where an order is made for trial with a jury, the Registrar shall, on payment by the applicant of a deposit of 8s., and also of the prescribed fee of 10s., proceed to summon a jury in sufficient time beforehand

* S.R. & O. Rev. 1904, III County Court, E. p. 89 (1903, No. 629). For subsequent amendments, *see* "Index to S.R. & O. in Force, June 30, 1933, at pp. 197–8.

for service to be effected 6 clear days before the return-day.

(2) The summonses to jurors shall be in accordance with the forms in the Appendix, and may be served either by registered post or by a bailiff in the manner in which an ordinary summons may be served.

(3) An application to be excused from attending on a jury may be made either in person or by sending to the Registrar an affidavit showing the grounds of the application, so that the affidavit is received by the Registrar or the application is made within 2 days of the service of the jury summons on the applicant."

(*b*) Rules 4C and 4D shall be revoked.

(*c*) In Rule 7 the words from " shall think fit " to the end of the Rule shall be omitted.

(*d*) In Rule 25 the words " ten pounds " shall be substituted for the words " five pounds."

6. Throughout Order XXIIB " ten pounds " shall be substituted for " five pounds " wherever that expression occurs.

7. Order XXIII shall be amended as follows :—

(*a*) At the end of Rule 11 the following words shall be added,

" Such judgment may direct the costs to be taxed and paid forthwith or at such time or times and by such instalments as the Court shall think fit."

(*b*) Rule 12 shall be revoked.

(*c*) In Rule 12B the words " the judgment or order is for payment of a sum exceeding twenty pounds, exclusive of costs, and " shall be omitted.

8. Order XXV shall be amended as follows :—

(*a*) Rule 11 shall be revoked.

(*b*) In Rule 20 the words from the beginning of the rule to the word " taxation " shall be omitted and the following words shall be substituted therefor—

" Where judgment is given or an order made for the recovery or payment of a sum of money and costs, and directs such sum of money to be paid forthwith or within a fixed time from the date of the judgment or order, and the costs to be taxed and paid forthwith or within a fixed time after taxation,".

9. Rule 3A of Order XXXIII shall be revoked.

10. Rules 1, 2, 3, and 4 of Order XXXV (which relates to funds in Court) shall be revoked and the following Rules shall be substituted therefor :—

" 1. Where money has been received by a County Court under section 205 of the Supreme Court of Judicature (Consolidation) Act, 1925, for the benefit of an infant or a person of unsound mind or a widow, the Registrar shall as soon as may be send to the next friend, guardian ad litem, committee or widow, as the case may require, a notice in accordance with the Form in the Appendix, that the money has been received and has been placed on deposit in accordance with County Court Funds Rules, and that the Court is ready to hear any application as to the mode of dealing therewith.

2.—(1) An application to the Court as to the mode of dealing with the money and any interest thereon (hereinafter in this Order called ' the trust fund ') may be made on payment of the prescribed fee (if any) by or on behalf of any person interested in accordance with the Rules as to interlocutory applications.

(2) If no such application is made within a reasonable time of the receipt of the money, the Registrar shall bring the matter to the attention of the Judge.

3. The trust fund shall be invested or otherwise dealt with for the benefit of the infant, person of unsound mind or widow, as the Judge or in his absence the Registrar shall from time to time direct.

4.—(1) The Judge may, at any time, on application in that behalf or of his own motion, after such enquiries (if any) as he may think fit to make, order the trust fund or any part thereof to be transferred to another County Court if he is of opinion that the matter may be more conveniently dealt with in that Court.

(2) Where such an Order is made, the Registrar shall, besides transferring the fund in accordance with County Court Funds Rules, transmit a certified copy of the proceedings to the Registrar of the other Court."

11. Rules 1 to 4 inclusive of Order XXXVII shall be revoked.

12. Rules 16 to 22 inclusive of Order XXXVIII shall be revoked.

13. Order XLIV shall be amended as follows :—

(*a*) Rule 4 shall be revoked.

(*b*) In Rule 6 the words " seven clear days " shall be substituted for the words " ten clear days."

(*c*) In Rules 6 and 11, in the expression " where no demand for a jury has been made " the word " order " shall be substituted for the word " demand."

14. Rules 9A and 24 of Order LI shall be revoked.

15. Rule 7 of Order LIV shall be revoked and the following Rule shall be inserted in Order LIV and shall stand as Rule 7—

" 7. An application under sub-section (3) of section 25 of the County Courts (Amendment) Act, 1934, to enforce an undertaking given by a solicitor in any proceedings in a County Court may be made to the Judge of the district in which the undertaking was given upon affidavit setting out the facts on which the application is based. Notice in writing of such application, accompanied by a copy of any affidavit intended to be used at the hearing, shall be served upon the solicitor who has given the undertaking two clear days at least before the hearing of the application."

16. In Part II of the Scales of Allowances to Witnesses in Part IV of the Appendix, the following item shall be inserted after item (*b*) :—

" (*bb*) Police officers . . . per diem 0 12 6."

17. Forms 142, 143, 166, 283A, 336, 337 and 458 shall be revoked.

18. In Form 18, and also in the endorsement on Form 22, the penultimate paragraph (which relates to trial with a jury) shall be omitted.

19. In the marginal notes to Forms 22A, 46A and 46B, " £10 " shall be substituted for " £5," wherever that expression occurs.

20. Form 134B shall be amended as follows :—

(*a*) The words " With the consent of the parties " and " pursuant to section 6 of the County Courts Act, 1919 " shall be omitted.

(*b*) In the marginal note the reference " 24 and 25 Geo. 5. c. 17, s. 20 " shall be added.

21. The following notice shall be added to Form 144 :—

" Take notice that if you desire to be excused from attendance on this jury on the ground that you have within the last six months attended on a jury in some other Court, or for any other good reason, you may apply to be excused either in person or by sending to the Registrar an affidavit showing the grounds of your application, so that the application is made or the affidavit is received by the Registrar within 2 days of this summons being served upon you."

22. In Form 144C the following notice shall be substituted for the notice at the foot of the summons :

" Take notice that if you desire to be excused from attendance on this jury on the ground that you have within the last six months attended on a jury in some other Court, or on account of pregnancy or other feminine condition or ailment, or for any other good reason, you may apply to be excused either in person or by sending to the Registrar an affidavit showing the grounds of your application, so that the application is made or the affidavit is received by the Registrar within two days of this summons being served upon you."

23. The following amendments shall be made in Form 151 (2) :—

(1) The words " Where judgment is given for a sum of money and costs " shall be substituted for the words " Where judgment is given for a sum exceeding £20."

(2) In the marginal note " Rule 11 " shall be substituted for " Rule 12."

(3) A blank space shall be substituted for the word " fourteen."

24. Form 459 shall be amended as follows :—

(*a*) The words " invested in the name of the Registrar of this Court in the Post Office Savings Bank " shall be omitted, and the words " placed on deposit " shall be substituted therefor.

(*b*) The words " the sum so invested " shall be omitted, and the words " the said sum " shall be substituted therefor.

25. The following provisions of these Rules (which relate to trial with a jury) namely, paragraphs (*a*) and (*b*) of Rule 5, Rule 13, and Rule 17 so far as it revokes Forms 142 and 143, shall not apply to proceedings commenced in a County Court before the 1st day of January, 1935.

We the undersigned persons appointed by the Lord Chancellor pursuant to section one hundred and sixty-four of the County Courts Act, 1888, and section twenty-four of the County Courts Act, 1919, to frame Rules and Orders regulating the practice of the Court and forms of proceedings therein, having by virtue of the powers vested in us in this behalf framed the foregoing Rules, do hereby certify the same under our hands and submit them to the Lord Chancellor accordingly.

S. A. Hill Kelly. *William Procter.*
T. Mordaunt Snagge. *Ernest Hancock.*
Barnard Lailey. *Gilbert Hicks.*
C. E. Dyer. *H. A. Dowson.*

Approved by the Rules Committee of the Supreme Court.
Claud Schuster,
Secretary.

I allow these Rules which shall come into force on the 1st day of January, 1935.
Dated the 1st day of December, 1934.
Sankey. C.

THE LOCAL GOVERNMENT (SINKING FUNDS, RATE OF ACCUMULATION) REGULATIONS, 1934, DATED NOVEMBER 30, 1934, MADE BY THE MINISTER OF HEALTH UNDER SECTION 213 OF THE LOCAL GOVERNMENT ACT, 1933 (23 & 24 GEO. 5. C. 51).
[S.R. & O. 1934, No. 1320. Price 1d.]

Parliamentary News.

Progress of Bills.

House of Lords.

Aberdeen Corporation Order Confirmation Bill.
Read Third Time. [19th December.
Depressed Areas (Development and Improvement) Bill.
Read Second Time. [19th December.
Hamilton Burgh Order Confirmation Bill.
Read Third Time. [19th December.
Judiciary (Safeguarding) Bill.
Reported without Amendment. [19th December.
National Gallery (Overseas Loans) Bill.
Read First Time. [17th December.
Regimental Charitable Funds Bill.
Read First Time. [17th December.
Supreme Court of Judicature (Amendment) Bill.
In Committee. [19th December.

House of Commons.

British Shipping (Assistance) Bill.
Read Second Time. [14th December.
Depressed Areas (Development and Improvement) Bill.
Read Third Time. [13th December.
Educational Endowments (Scotland) Bill.
Reported, with Amendments. [13th December.
Electricity Supply Bill.
Reported with Amendments. [13th December.
Government of India Bill.
Read First Time. [19th December.
Ministry of Health Provisional Order (Cumberland and Lancaster) Bill.
Reported, with Amendments. [19th December.
Ministry of Health Provisional Order (Gloucester and Warwick) Bill.
Reported with Amendments. [19th December.
Ministry of Health Provisional Order (Holland and Kesteven) Bill.
Reported with Amendments. [19th December.
Ministry of Health Provisional Order (Holland and Lindsey) Bill.
Reported with Amendments. [19th December.
Ministry of Health Provisional Order (Leicester and Warwick) Bill.
Reported without Amendment. [19th December.
Sea Fisheries Provisional Order Bill.
Read Second Time. [18th December.

Questions to Ministers.

RENT RESTRICTIONS ACTS (TENANCIES).

Mr. THORNE (for Mr. MCENTEE) asked the Minister of Health whether he is aware that if a tenant of a dwelling-house subject to the Rent Acts dies intestate his widow is entitled to retain possession, but if the tenant leaves a will the widow is denied this right; and whether he is prepared to take action to remove this anomaly.

Sir H. YOUNG: I am advised that the law is as stated by the hon. Member. The point has been noted for consideration in connection with amending legislation, but I cannot hold out any prospect of such legislation during the present Session. [13th December.

HIGH COURTS OF JUSTICE (COMMERCIAL CASES).

Mr. DAVID EVANS asked the Attorney-General whether his attention had been drawn to the recent declaration of Mr. Justice Talbot in regard to the trial of actions in the commercial list; why there is a shortage of judges specially familiar with the matters with which commercial causes are concerned and with the law relating to them; and what steps are being taken to remedy this deficiency.

THE SOLICITOR-GENERAL (Sir Donald Somervell): My attention has been drawn to the statement of Mr. Justice Talbot. The difficulties in connection with the commercial list are due in part to the absence of one or more of His Majesty's judges through illness and in part to the unusual pressure of work on some of the circuits. The Lord Chief Justice is giving attention to these difficulties. Meanwhile a Bill has been introduced in another place to enable two additional judges to be appointed.

Mr. EVANS: Has the hon. and learned Member's attention been drawn to the very grave character of the observations made by Mr. Justice Talbot, who said, in effect, that the trial of commercial cases by a judge who is not familiar with such subjects is a fraud on the litigant in question, and that he thought it his duty to draw attention to the public mischief involved in such matters; and whether it is not a fact that on that very day there were learned judges familiar with such cases who were employed in trying criminal cases and who had no experience of such cases?

THE SOLICITOR-GENERAL: The House will agree that this is not a proper matter to discuss in a controversial sense by question and answer. In regard to the last part of the supplementary question, I have no information before me. In regard to the other part, I should like to say that, in so far as Mr. Justice Talbot expressed or appeared to express doubts as to his own capacity to try a particular class of case, I am certain that those doubts are shared by no one who knows the learned judge. [17th December.

Societies.

The Auctioneers' and Estate Agents' Institute.

ANNUAL DINNER.

The annual dinner of the Auctioneers' and Estate Agents' Institute of the United Kingdom was held at the Connaught Rooms on Thursday, 6th December, with the President, Capt. E. Brougham Glasier, T.D., in the chair.

After the loyal toasts had been honoured, The Right Hon. Lord Wright, P.C., proposed the toast of "The Institute." He said that the Inns of Court were similar to their society, in that they were a professional body, but they were much older. The Institute dated back no earlier than 1886, but if they had not a very long past he was sure they had a very long and distinguished future. Their profession had great responsibilities. The fabric of society had become immensely complicated and organised, and that had extended to the province in which they were particularly occupied, that of dealings in land and its products, and in agriculture generally. Government control and regulation, particularly in connection with land and agriculture, had grown considerably, and he understood that the members of their Institute helped in various ways in the production of statutory rules, orders and bye-laws. He was sure the people were grateful to them for the great national service they performed in these matters, as they were all anxious to see agriculture set on its legs again. He expressed the hope that when statutory rules and orders were drawn up and promulgated they would be as simple as possible, for they were meant to guide simple citizens who ought to know in plain terms what they had to do and what they had not to do. When lawyers and judges were blamed for the uncertainty of the law, they might well reflect whether some of the blame should not go to the legislature or those who by delegation exercised legislative powers.

THE PRESIDENT, replying, said that the Institute had been approached by the Government to give evidence before the Royal Commission on Tithes. He hoped that the evidence which they would give would have the deep consideration of the Royal Commission, and would assist them in coming to a decision fair not only to the tithe-payer but to the tithe-owner. He also hoped that the decision would once and for all remove that matter from the political and religious arena. Dealing with the vexed question of slum clearance, he said that he had recently had the honour of attending the centenary celebrations of the Royal Institute of British Architects, when the Prince of Wales had appealed to the members for their assistance in the re-housing schemes. The Institute was only too anxious to help, and all they asked was that when the Bill was brought in it would give fair play to all concerned and would remove from the statute book the present obnoxious clauses. The new Bill would deal with overcrowding, and he

hoped that it would contain effective safeguards, and would ensure that the owner, the tenant and the sub-tenant would each be held responsible.

Mr. ALFRED J. BURROWS (Past-President), proposing the health of the guests, said he wanted to extend to them a most cordial welcome, and to assure them that members of the Institute felt honoured by their presence.

The Right Hon. LORD CRANWORTH, responding, said that agriculture was now doing a little better, mainly owing to the efforts of the Minister of Agriculture, but it still had a long way to go. Farmers might be doing better, and a little of that was going to the farm labourer—he wished it was more. He hoped that a little of it would eventually go to the landowner, who still laboured under the crushing load of taxation which was crippling that great industry. Death duties were year by year taking out of industry the capital which was its life blood, hurting not only the big landowner but the small, and the farmer and labourer too. Every disruptive force in the country was always directed against agriculture, because it was realised that a contented and prosperous countryside was the surest bulwark in any country. He therefore felt it was up to everyone connected with that vital industry to join together and protect it against the attacks made upon it by those who would disrupt their country and Empire.

Col. P. R. SIMNER, C.B., D.S.O., D.L., Master of the Supreme Court, also responded for the guests, and said that it was a very great pleasure to meet in that social way the members of the profession with whom they had been associated for many years.

Among those present were The Right Hon. The Earl of Radnor, Sir Charles Howell Thomas, K.C.B., Sir Roy L. Robinson, O.B.E., Sir Harriss Firth, Sir A. Daniel Hall, K.C.B., Sir Harry Courthope-Munroe, K.C., Capt. W. T. Cresswell, K.C., Mr. H. Alexander, Col. Wm. Anderson, Mr. A. Arnold, Mr. L. F. Arnold, Mr. C. H. Bedells, Mr. H. R. Blaker (President of The Law Society), Mr. R. H. Brady, Mr. A. E. Cutforth, Mr. E. H. Dee, Mr. E. W. Eason, Mr. W. S. Edgson, Mr. E. Cassleton Elliott, Mr. F. N. Eve, Mr. H. E. Fass (the Public Trustee), Mr. C. R. Field, Mr. G. Gardner, Mr. A. Gilchrist, Mr. J. H. T. Green, Mr. F. W. Hanson, Mr. J. G. Head, Mr. F. G. Hughes, Mr. F. McKibbin, Mr. J. S. Motion, Councillor W. E. Mullen, Mr. C. Osenton, Mr. G. F. Page, Mr. S. O. Ratcliff, Mr. H. H. Robinson, Mr. H. Mordaunt Rogers, Mr. F. Smith, Mr. S. A. Smith, Mr. M. Webb, Major R. M. Woolley, Mr. E. H. Blake, C.B.E. (Secretary), Mr. F. M. Sydenham (Assistant Secretary), and Mr. P. W. Ford (Librarian).

Central Criminal Court Bar Mess.

DINNER TO JUDGE GERALD DODSON.

The Committee of the Central Criminal Court Bar Mess entertained Judge Gerald Dodson, a former member of the Committee, to dinner on Monday, 17th December, at the Café Royal, on his appointment as Judge of the Mayor's and City of London Court and by virtue of his office now one of the Commissioners of the Central Criminal Court.

There were present Mr. Eustace Fulton (in the chair), Sir Percival Clarke (Chairman, London Sessions), Mr. Vernon Gattie (Deputy Chairman), Mr. Albert Crew (Secretary), Mr. J. B. Montagu (Hon. Treasurer), Sir Henry Curtis Bennett, K.C., Mr. James D. Cassels, K.C., Mr. Walter Frampton, Mr. T. E. Morris, Sir Alfred Callaghan, Mr. E. H. Coumbe, Mr. F. H. Cornes, Mr. St. John Hutchinson, Mr. L. O'Malley, Mr. G. D. Roberts, Mr. R. S. Chapman, Mr. G. D. McClure, Mr. F. D. Levy, Mr. L. A. Byrne, Mr. C. G. L. Du Cann, Mr. Anthony Hawke, Mr. Frank Powell, Mr. Norman Parkes, Mr. A. R. Linsley, Mr. Christmas Humphreys, Mr. R. H. Blundell, Mr. Laurence Vine, Mr. G. G. Raphael, Mr. John Maude, Mr. W. B. Frampton, Mr. Henry Elam, Mr. Alban Gordon, Mr. J. R. Hood, Mr. Eric Cuddon, Mr. R. M. H. Rodwell, Mr. Maxwell Turner, Mr. E. J. P. Cussen, Mr. B. A. C. Duncan, Mr. Derek Whiteley, Mr. Lewis Langdon, Mr. O. S. MacLeay, Mr. H. S. Ruttle and Mr. J. E. M. Gunning.

Law Students' Debating Society.

At a meeting of the Society, held at The Law Society's Court Room, on Tuesday, 11th December, 1934 (Chairman, Mr. L. J. Frost), the subject for debate was: "That this house deplores the censorship of plays and films." Miss H. M. Cross opened in the affirmative; Mr. E. F. Iwi opened in the negative. The following members also spoke: Messrs. J. E. Terry, M. V. P. Foulis, E. M. Woolf, H. Peck, J. R. Campbell Carter, P. W. Iliff, W. M. Pleadwell, P. H. Dean, P. H. North Lewis, and R. Morgan. The opener having replied, the motion was carried by five votes.

The Law Society.

SPECIAL GENERAL MEETING.

A special general meeting of the members of The Law Society will be held in the Hall of the Society on Friday, the 25th January, 1935, at 2 p.m.

Union Society of London.

(CENTENARY YEAR.)

A meeting of the Society was held on Wednesday, the 19th December, 1934, at 8.15 p.m., in the Middle Temple Common Room, the President (Mr. Alun Llewellyn) being in the chair. Mr. Fedrick proposed the motion "That the State should alone possess the right to manufacture armaments." Mr. Mainwaring opposed. There also spoke Mr. Brundrit, Mr. Russell-Clarke, the Hon. Secretary (Mr. E. J. Rendle), Mr. Ryan, Mr. Sandilands, Mr. Hurle Hobbes, Mr. Ingram. The hon. proposer having replied, the House divided, and the motion was carried by six votes.

Warwickshire Law Society.

ANNUAL DINNER.

The Annual Dinner of the Warwickshire Law Society was held on Tuesday, 27th November, in The Shire Hall, Warwick.

The chair was taken by the President, Mr. Henry Maxwell Blenkinsop. A number of distinguished guests were present including His Honour Judge M. N. Drucquer, the Mayor of Warwick (Alderman P. Bailey), the Recorder of Coventry (Mr. R. A. Willes), the Rt. Hon. The Earl of Warwick, Mr. J. Norman Daynes, K.C., Mr. Wilfred C. Matthews (President of the Birmingham Law Society), Mr. B. R. Masser (President-elect of the Warwickshire Law Society) and Mr. W. A. Coleman (Member of the Council of The Law Society).

The toast of "The Bench and the Bar" was proposed by the President and replied to by His Honour Judge Drucquer and Mr. Norman Daynes. The toast of "The Law Society and the Provincial Law Societies" was proposed by the Recorder of Coventry and replied to by Mr. W. A. Coleman, who apologised for the inability of the President of The Law Society, Mr. H. R. Blaker, to be present, and Mr. W. C. Matthews. Mr. B. R. Masser proposed the toast of "Our Guests," which was replied to by the Mayor of Warwick and the Rt. Hon. The Earl of Warwick.

United Law Society.

The Annual Dinner of the United Law Society was held at the Monico Restaurant on 10th December. The Rt. Hon. Sir Boyd Merriman was in the chair and the other guests of the Society were The Hon. Mr. Justice Eve, The Hon. Mr. Justice MacKinnon, Sir Gervais Rentoul, K.C., Mr. Fergus D. Morton, K.C., Mr. Harry R. Blaker, President of The Law Society, and Mr. Douglas Woodruff.

Gray's Inn Debating Society.

The twenty-second meeting of the year was held in the Portland Hall, Little Titchfield Street, by kind permission of the Polytechnic, at 8.15 p.m., on Tuesday, 4th December, 1934, when a debate took place on the motion: "That the policy of economic planning under government authority is unsound." The motion was proposed by Mr. Harold Cox, and opposed by Mr. Noël Ker Lindsay, M.P. On the motion being thrown open to the house, Mr. A. Gordon Huson spoke in favour of the motion, and Mr. E. Stanton Spencer (a guest), Mr. E. Baxendale (a guest), Miss Janet Butcher a guest), and Mr. Ernest W. Anstey (a guest) against it, after which the opposer and proposer successively replied. The motion was rejected by forty-five votes to twenty-nine, the number of members and guests present being 105.

Legal Notes and News.

Honours and Appointments.

Mr. JAMES MILNER HELME, Barrister-at-Law, has been selected to succeed Mr. George E. Hilleary as coroner for the Borough of West Ham. Mr. Helme was deputy to Mr. Hilleary, who resigned three weeks ago, and has since been acting coroner for the district. He was called to the Bar by the Inner Temple in 1912.

Mr. JOSEPH BAKER, Barrister-at-Law, of Lincoln's Inn, has been elected chairman of the Assessment Committee for the area of the Borough of Holborn. Mr. Baker was called to the Bar in 1918.

Princess Beatrice has appointed Mr. OLIVER DAYRELL PAGET PAGET-COOKE, M.V.O., to be Comptroller of Her Royal Highness's household. Mr. Paget-Cooke, who was admitted a solicitor in 1920, is a Manager of the London Savings Bank and a member of the board's management and finance committee of the Princess Beatrice Hospital.

Professional Announcements.

(2s. per line.)

JOHN WHITTLE ROBINSON & BAILEY, of 6, Cannon-street, Preston, 55, Brown-street, Manchester, and 7, Park-square, Leeds, announce that following upon the death of Mr. John Whittle, the practice will be carried on at the same addresses by the surviving partners, Mr. Robert Robinson and Mr. Daniel Donald Bailey. The name of the firm will remain unchanged.

Wills and Bequests.

Mr. Alfred Tarbolton, J.P., solicitor, of Sale and Manchester, left £11,264, with net personalty £10,902.

Mr. Frederick Herman Harrison, solicitor, of Battersea, left £6,429, with net personalty nil.

Mr. Charles Henry William Osborn, solicitor, of West Wickham, Kent, and of Devonshire-square, E.C., left £17,921, with net personalty £17,537.

LAND REGISTRY.

The Land Registry will be closed on the 24th, 25th and 26th December, and will re-open on Thursday, the 27th December, 1934.

BOROUGH OF WOLVERHAMPTON.

The next Quarter Sessions of the Peace for the Borough of Wolverhampton will be held at the Sessions Court, Town Hall, North-street, Wolverhampton, on Thursday, the 10th January, 1935, at 10 o'clock in the forenoon.

Christmas Vacation, 1934-1935.

NOTICE.

There will be no sitting in Court during the Christmas Vacation.

During the Christmas Vacation all applications "which may require to be immediately or promptly heard," are to be made to the Judge who for the time being, shall act as Vacation Judge.

The Honourable Mr. Justice CROSSMAN will act as Vacation Judge from Saturday, 22nd December, 1934, to Thursday, 3rd January, 1935, both days inclusive. His Lordship will sit in the King's Bench Judges' Chambers on Friday 28th December, at half-past 10.

The Right Honourable The PRESIDENT of the Probate, Divorce and Admiralty Division will act as Vacation Judge from Friday, 4th January, 1935, to Thursday, 10th January, 1935, both days inclusive. His Lordship will sit in King's Bench Judges' Chambers on Friday, 4th January, at half-past 10.

On days other than those when the Vacation Judge sits in Chambers, applications in urgent matters may be made to his Lordship personally or by post.

When applications are made by post the brief of counsel should be sent to the Judge, by post or rail prepaid, accompanied by office copies of the affidavits in support of the application, and also by a minute, on a separate sheet of paper, signed by Counsel, of the order he may consider the applicant entitled to, and also an envelope, sufficiently stamped, capable of receiving the papers, addressed as follows:—"Chancery Official Letter: To the Registrar in Vacation, Chancery Registrars' Chambers, Royal Courts of Justice, London, W.C.2."

The papers sent to the Judge will be returned to the Registrar.

The address of the Vacation Judge can be obtained on application at the Chancery Registrars' Chambers, Room 136, Royal Courts of Justice.

Chancery Registrars' Chambers,
Royal Courts of Justice,
December, 1934.

Stock Exchange Prices of certain Trustee Securities.

Bank Rate (30th June, 1932) 2%. Next London Stock Exchange Settlement, Thursday, 10th January, 1935.

	Div. Months.	Middle Price 19 Dec. 1934.	Flat Interest Yield. £ s. d.	‡Approximate Yield with redemption £ s. d.
ENGLISH GOVERNMENT SECURITIES				
Consols 4% 1957 or after	FA	118⅜	3 7 7	2 17 3
Consols 2½%	JAJO	90½	2 15 3	—
War Loan 3½% 1952 or after	JD	107¾	3 4 11	2 18 8
Funding 4% Loan 1960-90	MN	119½	3 6 11	2 17 10
Funding 3% Loan 1959-69	AO	104	2 17 8	2 15 7
Victory 4% Loan Av. life 29 years	MS	117½	3 8 1	3 1 7
Conversion 5% Loan 1944-64	MN	123½	4 1 0	2 1 9
Conversion 4½% Loan 1940-44	JJ	113	3 19 8	2 2 11
Conversion 3½% Loan 1961 or after	AO	110	3 3 8	2 18 11
Conversion 3% Loan 1948-53	MS	105¾	2 16 8	2 9 7
Conversion 2½% Loan 1944-49	AO	101¾	2 9 1	2 5 7
Local Loans 3% Stock 1912 or after	JAJO	96½	3 2 2	—
Bank Stock	AO	381½	3 2 11	—
Guaranteed 2¾% Stock (Irish Land Act) 1933 or after	JJ	92	2 19 9	—
Guaranteed 3% Stock (Irish Land Acts) 1939 or after	JJ	96	3 2 6	—
India 4½% 1950-55	MN	113¾	3 19 1	3 6 6
India 3½% 1931 or after	JAJO	98	3 11 5	—
India 3% 1948 or after	JAJO	91	3 5 11	—
Sudan 4½% 1939-73 Av. life 27 years	FA	124	3 12 7	3 3 4
Sudan 4% 1974 Red. in part after 1950	MN	116	3 9 0	2 15 0
Tanganyika 4% Guaranteed 1951-71	FA	116	3 9 0	2 15 0
L.P.T.B.4½% "T.F.A." Stock 1942-72	JJ	111½	4 0 9	2 13 7
COLONIAL SECURITIES				
Australia (Commonw'th) 4% 1955-70	JJ	109	3 13 5	3 7 10
*Australia (C'mm'nw'th) 3¾% 1948-53	JD	104	3 12 1	3 7 8
Canada 4% 1953-58	MS	113	3 10 10	3 1 9
*Natal 3% 1929-49	JJ	100	3 0 0	3 0 0
*New South Wales 3½% 1930-50	JJ	100	3 10 0	3 10 0
*New Zealand 3% 1945	AO	101	2 19 5	2 17 9
Nigeria 4% 1963	AO	114	3 10 2	3 5 0
Queensland 3½% 1950-70	JJ	102	3 8 8	3 6 7
South Africa 3½% 1953-73	JD	107	3 5 5	2 19 10
*Victoria 3½% 1929-49	AO	101	3 9 4	—
CORPORATION STOCKS				
Birmingham 3% 1947 or after	JJ	97	3 1 10	—
*Croydon 3% 1940-60	AO	100	3 0 0	3 0 0
Essex County 3½% 1952-72	JD	105	3 6 8	3 2 8
*Hull 3½% 1925-55	FA	102	3 8 8	—
Leeds 3% 1927 or after	JJ	96	3 2 6	—
Liverpool 3½% Redeemable by agreement with holders or by purchase	JAJO	108	3 4 10	—
London County 2½% Consolidated Stock after 1920 at option of Corp.	MJSD	89	2 16 2	—
London County 3% Consolidated Stock after 1920 at option of Corp.	MJSD	96½	3 2 2	—
Manchester 3% 1941 or after	FA	98	3 1 3	—
*Metropolitan Consd. 2½% 1920-49	MJSD	100	2 10 0	2 10 0
Metropolitan Water Board 3% "A" 1963-2003	AO	97	3 1 10	3 2 1
Do. do. 3% "B" 1934-2003	MS	99	3 0 7	3 0 8
Do. do. 3% "E" 1953-73	JJ	101xd	2 19 5	2 18 6
Middlesex County Council 4% 1952-72	MN	113	3 10 10	3 1 0
† Do. do. 4½% 1950-70	MN	116	3 17 7	3 4 1
Nottingham 3% Irredeemable	MN	97	3 1 10	
Sheffield Corp. 3½% 1968	JJ	105½xd	3 6 4	3 4 6
ENGLISH RAILWAY DEBENTURE AND PREFERENCE STOCKS				
Gt. Western Rly. 4% Debenture	JJ	115xd	3 9 7	—
Gt. Western Rly. 4½% Debenture	JJ	127½xd	3 10 7	—
Gt. Western Rly. 5% Debenture	JJ	133½xd	3 14 11	—
Gt. Western Rly. 5% Rent Charge	FA	132½xd	3 15 6	—
Gt. Western Rly. 5% Cons. Guaranteed	MA	130½	3 16 8	—
Gt. Western Rly. 5% Preference	MA	116	4 6 2	—
Southern Rly. 4% Debenture	JJ	113½	3 10 6	—
Southern Rly. 4% Red. Deb. 1962-67	JJ	112	3 11 5	3 6 9
Southern Rly. 5% Guaranteed	MA	131½	3 16 1	—
Southern Rly. 5% Preference	MA	117	4 5 6	—

*Not available to Trustees over par. † Not available to Trustees over 115.
‡In the case of Stocks at a premium, the yield with redemption has been calculated as at the earliest date; in the case of other Stocks, as at the latest date.

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THE suggestions of the legal adviser have great weight with most testators, and an appeal is made for the claims of ST. DUNSTAN'S to be borne in mind when charitable bequests are under consideration. St. Dunstan's is solely responsible for the training, settlement and lifelong care of nearly two thousand men who have been blinded as the result of their service for King and Country.

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ANNUAL REPORT and full particulars of the work gladly supplied by the Acting Secretary, Mr. D. T. ROBERTS. (Phone: East 5068.)

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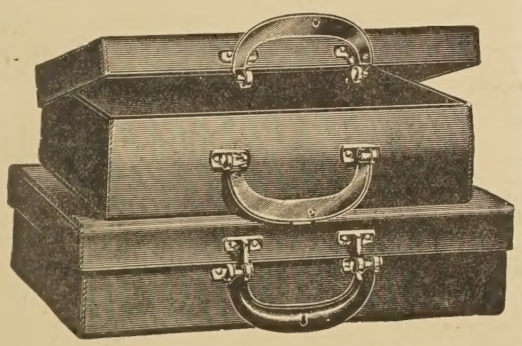

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(Including 31 Cubicles for Paying Patients).

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A copy of the Annual Report of the Hospital will be sent, together with any further particulars required, on application to the Clerk, Counting House, Guy's Hospital, London Bridge, S.E.1.

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RICHARD C. TRESIDDER, *Secretary.*

LEGACIES ARE SOLICITED.

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